

Message

From: Hewitt, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=41B19DD598D340BB8032923D902D4BD1-HEWITT, JAM]
Sent: 6/22/2018 3:12:10 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: RE: ethics signoff on event invitation

Thank you!

From: Fugh, Justina
Sent: Friday, June 22, 2018 11:07 AM
To: Hewitt, James <hewitt.james@epa.gov>
Subject: RE: ethics signoff on event invitation

Hi James,

This note confirms that you may accept Ex. 6 - Personal Privacy invitation to accompany him to the performance at the British Ambassador's Residence tonight pursuant to 5 CFR 2635.205(b) (invitation offered to you because of a personal relationship). You also don't have to report the gift on your financial disclosure report next year. Have fun! Wait, perhaps I should have said, "have a jolly good time!"
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Hewitt, James
Sent: Thursday, June 21, 2018 2:26 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: ethics signoff on event invitation

Ex. 6 - Personal Privacy had actually asked if he could bring me instead and they gave him the okay.

From: Fugh, Justina
Sent: Thursday, June 21, 2018 2:21 PM
To: Hewitt, James <hewitt.james@epa.gov>
Subject: RE: ethics signoff on event invitation

Hi,

I can't read the invitation's small print, but it appears that you are not included in the addressee Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy Often, the small print tells us whether the invitation is transferrable or not. If it is not, then I don't see how, from an etiquette standpoint, you could possibly infer that you have been invited to attend the event.

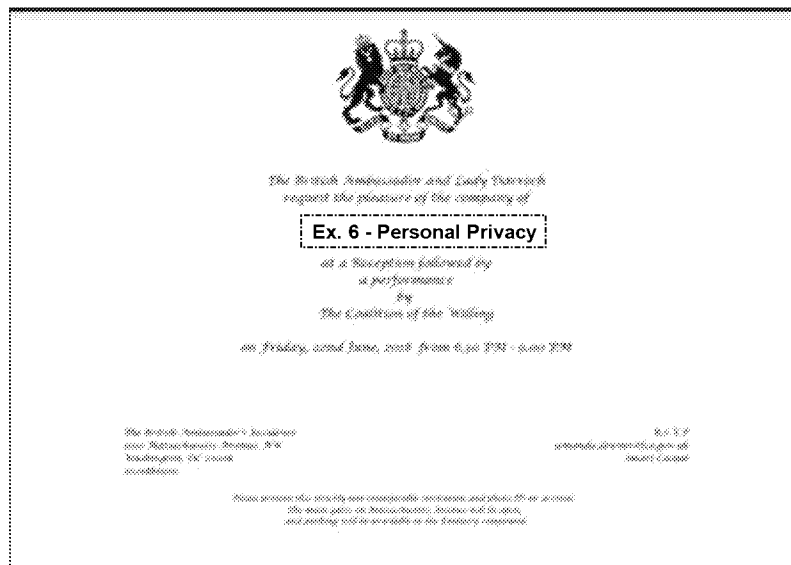
Justina

From: Hewitt, James
Sent: Thursday, June 21, 2018 11:34 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: ethics signoff on event invitation

Hi Justina,

Ex. 6 - Personal Privacy is playing in a band that is performance at the British Ambassador's Residence tomorrow and I've been asked to attend with him. Is this within the rules to attend?

I've pasted a screenshot below:



Thank you,
James

James Hewitt
Environmental Protection Agency
Press Secretary
(202) 578-6141

Message

From: Keith, Jennie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=79C2D25E4DFE45CEAF788A87F714CC0F-JKEITH]
Sent: 6/26/2018 7:26:52 PM
To: Kunding, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3c9a5d16e2244079e222f342bf9992f-Kunding,]
CC: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: RE: Urgent: Ethics Approval - Turning Point USA

Kelly,

The attachment doesn't provide a lot of information about the nexus to EPA. It needs to be more defined in order to provide adequate ethics advice. For example, when I reviewed the website, I see no environmental or public health nexus to the Agency's mission. And the proposed topic is "speaker's choice." The purpose of the event also has no link to the Agency's mission. That is not sufficient information. In order to provide advice, please go back to the organizer and have it shape up the event with much more detail.

Also, since OGC/Ethics is now aware that the Administrator's wife is an event planner, I also need confirmation whether Mrs. Pruitt is involved in planning this event.

Thanks!
Jennie for OGC/Ethics

From: Kunding, Kelly
Sent: Monday, June 25, 2018 10:30 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Urgent: Ethics Approval - Turning Point USA

Jennie –

Would you mind letting me know if the attached event is approved? This organization is actively seeking an answer from us on this request, therefore, we would appreciate a quick turn-around if possible.

Thank you for your assistance.

Kelly Kunding
Deputy Director of Scheduling and Advance
Kunding.Kelly@epa.gov
202-568-9879

Message

From: Kunding, Kelly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3C9A5D16E2244079E222F342BF9992F-KUNDINGER,]
Sent: 6/14/2018 11:53:00 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]; Borromeo, Karina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fa88d87c9784463aec823528af3e4e2-BORROMEO, KARINA]; Davis, Gail [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3778a7cc1fa4f078f7c4b447c63e7c8-Gdavis04]
Subject: Re: Following Up

Thank you, Justina. I appreciate your reply.

I will be on the lookout for your guidance regarding staff meals.

On Jun 14, 2018, at 5:25 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Kelly,
My apologies for not responding earlier. This note confirms the advice I provided to you orally. I am copying Karina Borromeo on this note as she is the regional ethics counsel in Region 7 for Mr. Gulliford, and Gail Davis, because I have included a little travel voucher advice.

As evidenced in the attached document, a quasi-governmental entity (the Lower Platte North Natural Resources District) invited Jim Gulliford to a press conference to announce the removal of Shell Creek from the list of impaired waters. Following the press conference, the organization will sponsor a picnic at a nearby farm. You indicated that the Governor will be attending this event and invited Mr. Pruitt to go as well. You wondered about whether there may be any gift involved in this situation.

Based on the facts provided, I indicated to you that the Administrator may certainly attend the press conference in his official EPA capacity. He could also stop by the farm to express the Agency's appreciation to the organization. You indicated that he has a very tight schedule, so he is unlikely to stay for a protracted length of time and that, further, he would not partake of any of the food offered at the picnic. The sponsor of the event is not a federally registered lobbyist. I advised you that we would not consider mere attendance at the picnic to be a "gift" since he is going to decline to eat the meal. I also indicated that, when Gail Davis prepares the travel voucher, she need not "back out" this lunch from the per diem. He is not receiving a gift of a meal, so he can claim it on his voucher as part of per diem. If, however, he plans to eat the meal, then I will need to know if the cost of the meal per person is more or less than \$20. If more, then he should be advised to complete the ethics travel form. Otherwise, he can eat the less-than-\$20 meal but then can't claim per diem for that meal.

Finally, in our conversation, you asked about staffers who accompany the Administrator to an event and whether they can accept a meal. I will write to you separately about that tomorrow.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Kundinger, Kelly
Sent: Wednesday, June 13, 2018 2:20 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: Following Up

Justina -

Thank you for taking the time to talk. To follow up on our conversation, the Administrator has been invited by the Governor and the Region 7 Office to attend the event included in the attached invitation. He will be delivering brief remarks along with the Governor and Jim Gulliford at a press conference and is planning to stop by a celebratory picnic at the conclusion of the press conference.

The Administrator has to catch a flight back to DC, therefore, he will not be staying at the picnic for more than a few minutes and will not be eating.

Please advise how to best document this visit in the proper manner.

Thank you,

Kelly

<attachment 1.pdf>

Message

From: Keith, Jennie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=79C2D25E4DFE45CEAF788A87F714CC0F-JKEITH]
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To: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Upcoming Colorado Energy Trip

Hi Aaron,

The additional information doesn't provide any other clarifications that would alleviate OGC/Ethics' concerns about this trip.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process If you would like us to reconsider our advice, then please send more information addressing them.

Thanks!
Jennie for OGC/Ethics

From: Ringel, Aaron
Sent: Tuesday, June 12, 2018 11:22 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: FW: Upcoming Colorado Energy Trip

Justina/Jennie, see below and attached that I just received. As I noted in my previous email, if this helps clarify any of the issues or questions previously raised would appreciate any updated insight.

Thanks,

-Aaron

From: Small, Jeff [<mailto:Jeff.Small@mail.house.gov>]
Sent: Tuesday, June 12, 2018 11:11 AM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Upcoming Colorado Energy Trip

By now you should have received the attached invitation for the Western Caucus Foundation's June Colorado Western Energy Forum trip.

Know your rules are slightly different but below is what I sent to House staff.

We'd love to have representation from the agency at the Colorado Energy Forum if possible.

Let Darrel Henry from the Foundation or me know if you have questions. Appreciate your consideration.

Sincerely,

Jeff Small

*Executive Director | Congressional Western Caucus
Senior Advisor | Congressman Paul A. Gosar, D.D.S.*

From: Small, Jeff

Sent: Tuesday, June 12, 2018 10:39 AM

To: Small, Jeff

Cc: Hanson, Tanner

Subject: Upcoming Colorado Energy Trip

By now you should have received the attached invitation for the Western Caucus Foundation's Colorado Western Energy Forum trip.

Western Caucus Foundation June Colorado Trip | Evening of Thursday, June 28th – Friday, June 29th

- Featuring a tour of a natural gas drilling site and an energy forum with Chairmen Daines and Gosar as well as Reps. Tipton, Coffman and Buck as well as local energy reps and stakeholders.
- Click here to [register and RSVP](#).
- Members and staff are encouraged to attend.
- Please book flights to Denver and a hotel at the Doubletree in the Denver Tech Center ASAP. Ask for the Western Caucus hotel rate @\$159 (Call Darrell of Amy if you have issues.)
- You can use your office MRA for the hotel and flights. Other allowable expense will be covered by the Foundation.
- For questions, email the Foundation's Darrell Henry (info@westerncaucusfoundation.org) or Ex. 6 - Personal Privacy or Amy Bradley (Ex. 6 - Personal Privacy) or the Caucus' Jeff Small (Jeff.Small@mail.house.gov).

This is one of our shorter trips but will still be educational, good networking and fun.

Please let us know if you have questions. We hope someone from your team can join us in Colorado.

*Note: The Foundation is in the process of moving and rescheduling the 3-day August Montana Trip. More info soon. (The dates had to be moved as a result of Leader McConnell's announcement pertaining to the Senate August schedule).

Sincerely,

Jeff Small

*Executive Director | Congressional Western Caucus
Senior Advisor | Congressman Paul A. Gosar, D.D.S.
2057 Rayburn HOB | Washington, DC 20515
(202) 225-2315 main*

jeff_small@mail.house.gov



Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 6/12/2018 3:20:32 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]
Subject: RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

Hi Justina, thanks for this. I actually just received another email from them that has a little bit more info which I'll forward along to you and Jennie. If the information helps clarify some of the issues/questions you had noted below could you please let us know?

Thanks,

-Aaron

From: Fugh, Justina
Sent: Monday, June 11, 2018 5:35 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

Hi Aaron,

We have taken a leap of faith to believe that the flyer you received is actually akin to an invitation. The email does not say "please join us," and the events appear to us to be directed at congressional employees. We note that:

- a. The lunch on Friday is complimentary for a certain group of people, but not executive branch employees. Therefore, we expect that you will be paying for the lunch yourselves and, since you are in travel status, then taking per diem for that meal.
- b. The afternoon tour is open only to members and staff (by staff, we presume congressional). Therefore, we expect that, as executive branch employees, you will not be participating in this tour. We cannot clear you to attend this event based on the information provided (because it does not appear to be intended for executive branch employees, and we cannot solicit the gift).
- c. It is our understanding that the only event available to EPA employees is the morning energy forum session. Theoretically, we can allow you to attend that event, but we note that EPA will be paying travel dollars to send you to an event that is for one morning and seems to involve general information at best. We are having trouble identifying the benefit to EPA to attend events that are targeted for Congressional staff.
- d. There is also a reception scheduled on the Thursday evening before the one-day event. I suppose that's possible, but would need more information (and it's only-a-go depending on the vote schedule in Congress).

Earlier this year, OGC/Ethics reviewed an invitation (for Stephen Gordon) for the same organization. In that instance, we noted that the trip had been designed with legislative (not executive) branch ethics rules in mind. We noted that, because the Executive Branch ethics rules are quite different, we lacked the authority for the EPA employee to attend many of the events featured in the itinerary. Examples of the prohibited excursions in that example were a fundraiser, aerial tour of the Grand Canyon and a baseball game. In providing advice to your colleague previously, Jennie Keith wrote, "

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

So, we can say that you may pay for your own lunch (and accept EPA per diem) and that you can attend the morning forum, but it may not be prudent to do so.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ringel, Aaron
Sent: Monday, June 11, 2018 10:36 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

Hey Justina, any update from Jennie on this?

Thanks!

-Aaron

From: Fugh, Justina
Sent: Tuesday, June 5, 2018 4:54 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

I sent this to Jennie Keith of my team for her insights. She reviews invitations for our group. I'll have to check to see if she had any comments back to me (I was out yesterday).

From: Ringel, Aaron
Sent: Tuesday, June 05, 2018 4:53 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

Hi Justina, just wanted to ping you again about this since the event is coming up at the end of this month.

Thanks,

-Aaron

From: Ringel, Aaron
Sent: Wednesday, May 30, 2018 9:28 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

Hi Justina, just wanted to check back in on this and see if you had any feedback.

Thanks!

-Aaron

From: Ringel, Aaron
Sent: Friday, May 25, 2018 9:00 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: Western Energy Forum - Denver, CO, June 28 & 29, 2018

It would be myself, Christian Palich, Tony Frye, and Christian Rodrick.

Sent from my iPhone

On May 25, 2018, at 8:58 AM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Who in OCIR would attend?

From: Ringel, Aaron
Sent: Thursday, May 24, 2018 5:21 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: FW: Western Energy Forum - Denver, CO, June 28 & 29, 2018

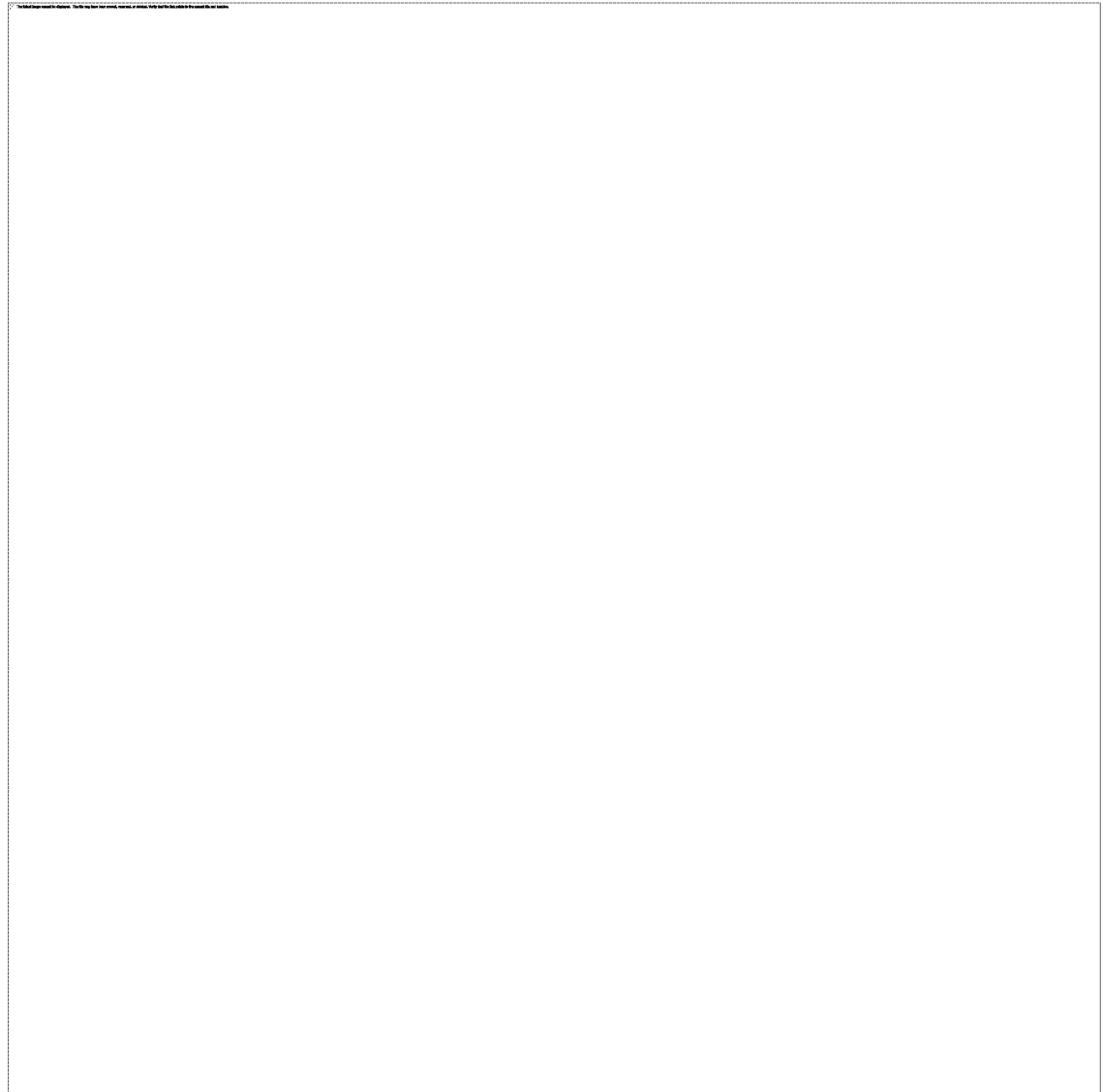
Hi Justina, I wanted to get your take on whether it would be allowable for OCIR to attend this event.

Thanks,

-Aaron

From: Western Caucus Foundation
[<mailto:info=westerncaucusfoundation.org@mail217.atl101.mcdlv.net>] **On Behalf Of** Western Caucus Foundation
Sent: Thursday, May 24, 2018 4:44 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: Western Energy Forum - Denver, CO, June 28 & 29, 2018

[View this email in your browser](#)



WESTERN ENERGY FORUM

June 28th (evening) & 29th, 2018

Location: Denver Tech Center, Colorado

w/ Special Guests

Chairman, Steve Daines (MT), Senate Western Caucus

Chairman Paul Gosar (AZ-04), Congressional Western Caucus

Representative Mike Coffman (CO-06),

**Representative Scott Tipton (CO-03), Representative Ken Buck (CO-04)
Senate and Congressional Western Caucus Members and Staff**

Thursday, June 28th

7:00 p.m. Reception (subject to Congressional vote schedule)

Friday, June 29th

9:30 a.m. Location TBD

Energy Forum: “America’s Energy Dominance Fueling Prosperity”

- How America’s energy renaissance benefits states, local governments, and residents.
- Why pursuing an all-of-the-above energy approach to American energy benefits consumers, the economy, and the environment.

Noon: Stakeholder luncheon w/ VIP speaker for supporters and sponsors
(widely attended)

1:30 p.m.: Member and staff field tour of natural gas drilling sites

[Click here to register/RSVP](#)

[Click here for sponsorship information](#)

Hotel: Doubletree Denver Tech Center

7801 E. Orchard Rd. Greenwood Village, CO 80111

denverttech.doubletree.com | +1-303-779-6161

Ask for Western Caucus rate @ \$159 (before 6/7 or call us after 6/7)

Event attendance by invitation only. [Lunch attendance complimentary](#) for the Foundation’s 2018 supporters, lunch sponsors, and Western Caucus Members and staff.

Contact: Amy Bradley,

Ex. 6 - Personal Privacy

Darrell Henry, info@westerncaucusfoundation.org, 202-220-1331

The Western Caucus Foundation (WCF), a 501 (c)(3), is a cultural exchange organization committed to educating public policy makers and communicating with the public in an effort to enhance, sustain, and preserve the West's dynamic and unique culture. The Foundation provides support, education, and networking opportunities to advance the public policies important to the West, and offers members a non-partisan and non-political organization to facilitate discussion of critical Western issues through a robust agenda of meetings, conferences, and programs.

These events are planned to fully comply with Congressional Ethics Rules and Other Applicable Laws.

www.westerncaucusfoundation.org

Our mailing address is:
400 North Capitol Street NW
Suite 382-B
Washington, DC 20001

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You can [update your preferences](#) or [unsubscribe from this list](#).

Message

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Subject: RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

You did ask me in an email last Wednesday. And I can't believe it was last Wednesday. I really thought you had just emailed me maybe last Friday. Okay. Here's the advice.

Ex. 5 - Deliberative Process

Thank you!

From: Fugh, Justina
Sent: Tuesday, June 05, 2018 6:06 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: FW: Western Energy Forum - Denver, CO, June 28 & 29, 2018

I did ask you about this, didn't I?

From: Fugh, Justina
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To: Ringel, Aaron <ringel.aaron@epa.gov>
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[<mailto:info=westerncaucusfoundation.org@mail217.atl101.mcdlv.net>] **On Behalf Of** Western Caucus Foundation

Sent: Thursday, May 24, 2018 4:44 PM

To: Ringel, Aaron <ringel.aaron@epa.gov>

Subject: Western Energy Forum - Denver, CO, June 28 & 29, 2018

[View this email in your browser](#)



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Contact: Amy Bradley,

Ex. 6 - Personal Privacy

Darrell Henry, info@westerncaucusfoundation.org,

Ex. 6 - Personal Privacy

The Western Caucus Foundation (WCF), a 501 (c)(3), is a cultural exchange organization committed to educating public policy makers and communicating with the public in an effort to enhance, sustain, and preserve the West's dynamic and unique culture. The Foundation provides support, education, and networking opportunities to advance the public policies important to the West, and offers members a non-partisan and non-political organization to facilitate discussion of critical Western issues through a robust agenda of meetings, conferences, and programs.

These events are planned to fully comply with Congressional Ethics Rules and Other Applicable Laws.

www.westerncaucusfoundation.org

Our mailing address is:

400 North Capitol Street NW

Suite 382-B

Washington, DC 20001

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).

Message

From: Hupp, Millan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=92CAC7B684B64F90953B753A01BEE0D5-HUPP, MILLA]
Sent: 5/31/2018 7:15:57 PM
To: Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]; Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Kundinger, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3c9a5d16e2244079e222f342bf9992f-Kundinger,]; Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]; Davis, Gail [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3778a7cc1fa4f078f7c4b447c63e7c8-Gdavis04]
Subject: RE: Delta Council

Thank you Jennie. Just light refreshments.

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: 202.380.7561 Email: hupp.millan@epa.gov

From: Keith, Jennie
Sent: Thursday, May 31, 2018 3:15 PM
To: Hupp, Millan <hupp.millan@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Kundinger, Kelly <kundinger.kelly@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>
Subject: RE: Delta Council

Hi Milan,

I'm sorry I misspelled your name in my earlier email. I have one clarifying question:

For the business roundtable on June 1 at 9:00am, is there a meal offered? or just light refreshments?

Thanks!
Jennie for OGC/Ethics

From: Keith, Jennie
Sent: Thursday, May 31, 2018 3:00 PM
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Cc: Kunderinger, Kelly <kunderinger.kelly@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Subject: Delta Council

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Subject: RE: Delta Council
Attachments: Delta Council.docx

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Lunch with Delta Council / Delta F.A.R.M. – May 31, 2018 at 12:00pm				
Employee	In travel status?	Meal? Reception?	Method? (ethics travel form, personally paid)	Donor
Administrator Pruitt	Yes	Meal	Ethics Travel Form - completed	Delta Council? - \$11 value
Jim Guilliford	Yes	Meal		
Trey Glenn	Yes	Meal		
Delta Council Reception – May 31, 2018 at 6:00pm				
Administrator Pruitt	Yes	Reception	Ethics Travel Form – completed	Delta Council - \$16 value
Business Roundtable – June 1, 2018 at 9:00am				
Administrator Pruitt	Yes	Light Refreshments	Not a gift	
Delta Council Meeting & Lunch (lunch is part of the event and provided to 1,500+ attendees)				
Administrator Pruitt	Yes	Lunch	Not a gift because speaking	Delta Council – what is the value?

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Kundinger, Kelly[kundinger.kelly@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Keith, Jennie[Keith.Jennie@epa.gov]; Davis, Gail[Davis.Gail@epa.gov]
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Thursday, May 31		
EVENT	QUESTIONS	ETHICS RECOMMENDATION
Depart for Hopson Commissary	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Lunch with Delta Council and Delta FARM leadership	Who is paying for the lunch? How much is it?	All political appointees are subject to the ethics pledge (Pruitt, Glenn, Gulliford, Lyons, Daniell, Palich, Kundinger). Not all of them will be speaking or otherwise presenting information on behalf of EPA. This lunch is not part of the overall event. Therefore, OGC/Ethics recommends that all EPA employees pay for this meal (not accept it as a gift) and then claim per diem for this meal.
Pollinator Health and Water Quality Project Tour	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Hotel	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact

		OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Delta Council Reception	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Delta Council Reception		This event, although possibly a widely attended gathering, is sponsored by a federally registered lobbyist, so IS NOT an exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Agency to accept the gift instead (but then they cannot claim per diem for the meal).
Depart for Hotel	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Friday, June 1		
Depart for Kent Wyatt Administration Building	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Business Roundtable	Who is sponsoring this event?	Even if refreshments are offered, the EPA attendees may accept. Refreshments offered as other than a meal are not considered gifts.
Delta Council Meeting		This is a meeting sponsored by a federally registered lobbyist.
Delta Council Lunch	Assuming that lobbyist is paying for this lunch	This event does not appear to involve any speaking opportunity, is not a widely attended gathering, and is sponsored by a federally registered lobbyist. NO exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Agency to accept the gift instead (but then they cannot claim per diem for the meal).

Depart for Airport	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
--------------------	--	---

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Hupp, Millan

Sent: Wednesday, May 30, 2018 7:36 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Kunderinger, Kelly <kunderinger.kelly@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>

Subject: Delta Council

Justina,

In an effort to memorialize our conversation from earlier, I've attached the agenda for the Delta Council. The three gifts we discussed were the lunch on Thursday, May 31st totaling \$11, the reception on Thursday, May 31st totaling \$11, and the lunch on Friday, June 1st totaling \$16.

The Delta Council was heavily involved in organizing each one of these events on Thursday and Friday with the Administrator being the guest of honor at each one. As I understand from our conversation, the Administrator can accept the gift of both the lunch on Thursday and the lunch on Friday as they both involve remarks and the discussion of EPA business.

As for the reception on Thursday, kindly offer guidance based off the information provided. Hors d'oeuvres will be provided though the Administrator is not expected to be eating. This event is hosted by the Delta Council and invited guests are made up of primarily elected officials. How shall we proceed with the handling of this gift?

Please let me know what additional questions I may answer.

Thank you,
Millan

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: 202.380.7561 Email: hupp.millan@epa.gov

Message

From: Keith, Jennie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=79C2D25E4DFE45CEAF788A87F714CC0F-JKEITH]
Sent: 5/25/2018 7:42:48 PM
To: Kundinger, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3c9a5d16e2244079e222f342bf9992f-Kundinger,]; Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Minoli, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c9c0070d651a4625ac20258369f9b050-KMINOLI]
Subject: RE: Faith & Freedom Graphic

Dear Kelly,

OGC/Ethics spent a bit more time reviewing this graphic and the communications context in which the host will use it as currently posted on its social media sites ([Facebook](#) and [Twitter](#)).

Based on the context, we have happy news to report. The host may use the graphic as shared with you. And as you have already noted, you will make sure that the organization references Mr. Pruitt correctly with his Administrator title. Please also advise the organization, that if it wants to link to any of Mr. Pruitt's social media accounts, it must link to official government accounts (not his personal accounts) because the Administrator is speaking in his official capacity. Therefore, any links must be to official government accounts.

Ex. 5 - Deliberative Process

How does that sound?

Thanks!
Jennie for OGC/Ethics

From: Kundinger, Kelly
Sent: Thursday, May 24, 2018 4:32 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Keith, Jennie <Keith.Jennie@epa.gov>

Subject: Re: Faith & Freedom Graphic

Thank you, Justina.

Ex. 5 - Deliberative Process

On May 24, 2018, at 4:08 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Kelly,

Jennie will follow up with you tomorrow, but we talked today.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Kunding, Kelly

Sent: Thursday, May 24, 2018 4:00 PM

To: Keith, Jennie <Keith.Jennie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Re: Faith & Freedom Graphic

Jennie & Justina -

I wanted to follow up on this, as this organization is seeking an answer on whether or not they can distribute this graphic.

Thank you,

Kelly

On May 21, 2018, at 3:17 PM, Kunding, Kelly <kunding.kelly@epa.gov> wrote:

Jennie & Justina –

Would you mind letting me know if we can approve Faith & Freedom using the attached graphic to promote the Administrator's attendance? We will of course ask them to change "Sec." to "Administrator."

Thank you for your guidance.

Kelly Kunding

Deputy Director of Scheduling and Advance

Kunding.Kelly@epa.gov

202-568-9879

<PruittFB.PNG>

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 5/25/2018 2:05:20 PM
To: Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]; Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; Minoli, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c9c0070d651a4625ac20258369f9b050-KMINOLI]
Subject: Fw: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip

Ex. 5 - Deliberative Process

Thanks,

Elise

From: Hough, Palmer
Sent: Friday, May 25, 2018 9:48 AM
To: Packard, Elise; Keith, Jennie
Cc: Fugh, Justina; Goodin, John; Frazer, Brian; Kaiser, Russell
Subject: RE: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip

Elise/Jennie

Ex. 5 - Deliberative Process

Thanks, Palmer

From: Packard, Elise
Sent: Thursday, May 24, 2018 3:27 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip

Ex. 5 - Deliberative Process

Back in touch soon.

Elise

Elise B. Packard
Associate General Counsel for Civil Rights and Finance
U.S. EPA Office of General Counsel, Rm. 7353C
(202) 564-7729

From: Hough, Palmer
Sent: Thursday, May 24, 2018 3:24 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip

Folks

Ex. 5 - Deliberative Process

Thanks, Palmer

From: Keith, Jennie
Sent: Wednesday, May 23, 2018 3:37 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip

Hi Elise,

Ex. 5 - Deliberative Process

Thanks!
Jennie for OGC/Ethics

From: Packard, Elise
Sent: Wednesday, May 23, 2018 9:49 AM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip

Ex. 5 - Deliberative Process

Elise B. Packard
Associate General Counsel for Civil Rights and Finance
U.S. EPA Office of General Counsel, Rm. 7353C
(202) 564-7729

From: Keith, Jennie
Sent: Wednesday, May 23, 2018 9:41 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip
Importance: High

Hi Elise,

Ex. 5 - Deliberative Process

Thanks!
Jennie for OGC/Ethics

From: Packard, Elise
Sent: Friday, May 18, 2018 9:48 AM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip

Thanks, **Ex. 5 - Deliberative Process**

Elise B. Packard
Associate General Counsel for Civil Rights and Finance
U.S. EPA Office of General Counsel, Rm. 7353C
(202) 564-7729

From: Keith, Jennie
Sent: Thursday, May 17, 2018 1:52 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip
Importance: High

Hi Elise,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Jennie Keith | Ethics Officer | Office of General Counsel | US EPA | Mail Code 2311A | Room 4313 North,
William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip
code) | phone 202-564-3412 | fax 202-564-1772

Message

From: Keith, Jennie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=79C2D25E4DFE45CEAF788A87F714CC0F-JKEITH]
Sent: 5/23/2018 1:53:24 PM
To: Packard, Elise [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6d4ad4c6abb24f54a2c8c16fa17ba0fd-Packard, El]
CC: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: RE: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip

Thanks, Elise.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Thanks! Jennie for OGC/Ethics

From: Packard, Elise
Sent: Wednesday, May 23, 2018 9:49 AM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip

Ex. 5 - Deliberative Process

Elise B. Packard
Associate General Counsel for Civil Rights and Finance
U.S. EPA Office of General Counsel, Rm. 7353C
(202) 564-7729

From: Keith, Jennie
Sent: Wednesday, May 23, 2018 9:41 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip
Importance: High

Hi Elise,

Ex. 5 - Deliberative Process

Thanks!
Jennie for OGC/Ethics

From: Packard, Elise
Sent: Friday, May 18, 2018 9:48 AM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip

Thanks, **Ex. 5 - Deliberative Process**

Elise B. Packard
Associate General Counsel for Civil Rights and Finance
U.S. EPA Office of General Counsel, Rm. 7353C
(202) 564-7729

From: Keith, Jennie
Sent: Thursday, May 17, 2018 1:52 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: (CHARTERED AIRCRAFT) - Private plane for Alaska North Slope Trip
Importance: High

Hi Elise,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Jennie Keith | Ethics Officer | Office of General Counsel | US EPA | Mail Code 2311A | Room 4313 North,
William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip
code) | phone 202-564-3412 | fax 202-564-1772

Message

From: Ford, Hayley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4748A9029CF74453A20EE8AC9527830C-FORD, HAYLE]
Sent: 5/10/2018 7:48:45 PM
To: Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]; Minoli, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c9c0070d651a4625ac20258369f9b050-KMINOLI]
CC: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; Hupp, Millan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92cac7b684b64f90953b753a01bee0d5-Hupp, Milla]
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Thank you all, we greatly appreciate it!

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

-----Original Message-----

From: Keith, Jennie
Sent: Thursday, May 10, 2018 3:44 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Haley,

Given the new information, including my own correspondence with Ms. Walters of the ACU, I am confirming he may attend pursuant to the widely attended gathering gift exception. The event is hosted by the ACU's Foundation side of the house - a 501(c)(3). Therefore, the host of the event has changed, and this gift is no longer subject to the President's Ethics Pledge or the lobbyist gift prohibition. I determine that it's in the agency's interests that he attend as it will further agency operations and/or programs.

Please let me know if I may assist in any other way.
Jennie for OGC/Ethics

-----Original Message-----

From: Ford, Hayley
Sent: Thursday, May 10, 2018 1:25 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Thank you for this information Kevin! Jennie/Justina - would you be able to expeditiously determine if he is cleared to attend given this new information?

Thank you!

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

-----Original Message-----

From: Minoli, Kevin
Sent: Thursday, May 10, 2018 12:55 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Invitation for Adm Pruitt at Tonight's Reception

Hi Jennie and Hayley-

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Carin mentioned that the host is the ACU

Foundation, a 501(c)(3), not ACU, which was on the initial inquiry. She sent the attached flyer for the event as well.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

-----Original Message-----

From: Carin Walters [mailto:CWalters@conservative.org]
Sent: Thursday, May 10, 2018 12:30 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Yes, that is correct.

Carin Walters
Director of CPAC & Events
American Conservative Union

-----Original Message-----

From: Minoli, Kevin [mailto:Minoli.Kevin@epa.gov]
Sent: Thursday, May 10, 2018 12:25 PM
To: Carin Walters <CWalters@conservative.org>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Carin- Thank you. The invitation explains that "This is neither a political event, nor does it involve any form of advocacy." To confirm for the record, it is not only that they will not be any advocacy, but also that the Foundation is not a federally registered lobbyist. Is that correct? Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

-----Original Message-----

From: Carin Walters [mailto:CWalters@conservative.org]
Sent: Thursday, May 10, 2018 12:19 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Hi Kevin,

Thank you for speaking with me a few minutes ago. I wanted to confirm with you that the reception this evening is hosted by the American Conservative Union Foundation (a 501c3 educational organization). I've attached the invitation clarifying that detail.

Please let me know if you need anything else.

Carin

Carin Walters
Director of CPAC & Events
American Conservative Union

-----Original Message-----

From: Minoli, Kevin [mailto:Minoli.Kevin@epa.gov]
Sent: Thursday, May 10, 2018 11:09 AM
To: Carin Walters <CWalters@conservative.org>
Subject: Invitation for Adm Pruitt at Tonight's Reception

Dear Ms. Walters- I am the Designated Agency Ethics Official at EPA and Adm Pruitt's Office reached out to us to evaluate how the ethics rules apply to this invitation. After some initial conversations here I

wanted to see if you were able to share whether you have invited other political appointees and, if so, have they confirmed? We often benefit from connecting with our colleagues at other agencies and working through these issues consistently.

Thank you, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040
Mobile: 202-297-6910

Message

From: Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]
Sent: 5/10/2018 6:27:28 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; Ross, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38caf91847dd4f95810c1f96d918871c-Ross, Margaret]; Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]
Subject: Re: Invitation for Adm Pruitt at Tonight's Reception

Ex. 5 - Deliberative Process

Jeanne M. Duross/ Ethics Attorney/Office of General Counsel, Ethics/U.S. EPA/4407F--WJCN (Mail Code 2248A)/Phone (202)564-6595

From: Fugh, Justina
Sent: Thursday, May 10, 2018 2:21 PM
To: Ross, Margaret; Keith, Jennie; Duross, Jeanne
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Ex. 5 - Deliberative Process

-----Original Message-----

From: Ross, Margaret
Sent: Thursday, May 10, 2018 2:18 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Ex. 5 - Deliberative Process

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

-----Original Message-----

From: Fugh, Justina
Sent: Thursday, May 10, 2018 1:12 PM
To: Ross, Margaret <Ross.Margaret@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: FW: Invitation for Adm Pruitt at Tonight's Reception

Ex. 5 - Deliberative Process

-----Original Message-----

From: Minoli, Kevin

Sent: Thursday, May 10, 2018 12:55 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Invitation for Adm Pruitt at Tonight's Reception

Hi Jennie and Hayley-

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Carin mentioned that the host is the ACU Foundation, a 501(c)(3), not ACU, which was on the initial inquiry. She sent the attached flyer for the event as well.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

-----Original Message-----

From: Carin Walters [mailto:CWalters@conservative.org]
Sent: Thursday, May 10, 2018 12:30 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Yes, that is correct.

Carin Walters
Director of CPAC & Events
American Conservative Union

-----Original Message-----

From: Minoli, Kevin [mailto:Minoli.Kevin@epa.gov]
Sent: Thursday, May 10, 2018 12:25 PM
To: Carin Walters <CWalters@conservative.org>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Carin- Thank you. The invitation explains that "This is neither a political event, nor does it involve any form of advocacy." To confirm for the record, it is not only that they will not be any advocacy, but also that the Foundation is not a federally registered lobbyist. Is that correct? Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

-----Original Message-----

From: Carin Walters [mailto:CWalters@conservative.org]
Sent: Thursday, May 10, 2018 12:19 PM

To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Hi Kevin,

Thank you for speaking with me a few minutes ago. I wanted to confirm with you that the reception this evening is hosted by the American Conservative Union Foundation (a 501c3 educational organization). I've attached the invitation clarifying that detail.

Please let me know if you need anything else.

Carin

Carin Walters
Director of CPAC & Events
American Conservative Union

-----Original Message-----

From: Minoli, Kevin [mailto:Minoli.Kevin@epa.gov]
Sent: Thursday, May 10, 2018 11:09 AM
To: Carin Walters <CWalters@conservative.org>
Subject: Invitation for Adm Pruitt at Tonight's Reception

Dear Ms. Walters- I am the Designated Agency Ethics Official at EPA and Adm Pruitt's Office reached out to us to evaluate how the ethics rules apply to this invitation. After some initial conversations here I wanted to see if you were able to share whether you have invited other political appointees and, if so, have they confirmed? We often benefit from connecting with our colleagues at other agencies and working through these issues consistently.

Thank you, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040
Mobile: 202-297-6910

Message

From: Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]
Sent: 5/10/2018 5:50:58 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; Ross, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38caf91847dd4f95810c1f96d918871c-Ross, Margaret]; Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]
Subject: Re: Invitation for Adm Pruitt at Tonight's Reception

Ex. 5 - Deliberative Process

Jeanne M. Duross/ Ethics Attorney/Office of General Counsel, Ethics/U.S. EPA/4407F--WJCN (Mail Code 2248A)/Phone (202)564-6595

From: Fugh, Justina
Sent: Thursday, May 10, 2018 1:11 PM
To: Ross, Margaret; Keith, Jennie; Duross, Jeanne
Subject: FW: Invitation for Adm Pruitt at Tonight's Reception

Ex. 5 - Deliberative Process

-----Original Message-----

From: Minoli, Kevin
Sent: Thursday, May 10, 2018 12:55 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Invitation for Adm Pruitt at Tonight's Reception

Hi Jennie and Hayley,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Carin mentioned that the host is the ACU Foundation, a 501(c)(3), not ACU, which was on the initial inquiry. She sent the attached flyer for the event as well.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

-----Original Message-----

From: Carin Walters [<mailto:CWalters@conservative.org>]
Sent: Thursday, May 10, 2018 12:30 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception


Yes, that is correct.

Carin Walters
Director of CPAC & Events
American Conservative Union

-----Original Message-----

From: Minoli, Kevin [<mailto:Minoli.Kevin@epa.gov>]
Sent: Thursday, May 10, 2018 12:25 PM
To: Carin Walters <CWalters@conservative.org>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Carin- Thank you. The invitation explains that "This is neither a political event, nor does it involve any form of advocacy." To confirm for the record, it is not only that they will not be any advocacy, but also that the Foundation is not a federally registered lobbyist. Is that correct? Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064 

-----Original Message-----

From: Carin Walters [<mailto:CWalters@conservative.org>]
Sent: Thursday, May 10, 2018 12:19 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Invitation for Adm Pruitt at Tonight's Reception

Hi Kevin,

Thank you for speaking with me a few minutes ago. I wanted to confirm with you that the reception this evening is hosted by the American Conservative Union Foundation (a 501c3 educational organization). I've attached the invitation clarifying that detail.

Please let me know if you need anything else.

Carin



Carin Walters
Director of CPAC & Events
American Conservative Union

-----Original Message-----

From: Minoli, Kevin [<mailto:Minoli.Kevin@epa.gov>]
Sent: Thursday, May 10, 2018 11:09 AM
To: Carin Walters <CWalters@conservative.org>
Subject: Invitation for Adm Pruitt at Tonight's Reception

Dear Ms. Walters- I am the Designated Agency Ethics Official at EPA and Adm Pruitt's Office reached out to us to evaluate how the ethics rules apply to this invitation. After some initial conversations here I wanted to see if you were able to share whether you have invited other political appointees and, if so, have they confirmed? We often benefit from connecting with our colleagues at other agencies and working through these issues consistently.

Thank you, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040 
Mobile: 202-297-6910 

Message

From: Kitamura, Louise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2FC1181266194F9397844944552C8C26-LKITAMUR]
Sent: 5/3/2018 7:11:46 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]
CC: Best-Wong, Benita [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6ee79b3d0fc0429b99f2c05481b0b957-bbestwon]
Subject: RE: Please help: my DAA needs to respond by tomorrow...

Thanks so much for your quick attention to this.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Once again, thanks so much!

Louise Kitamura
Office of Water
(o) 202-564-1731

(c) **Ex. 6 - Personal Privacy**

From: Fugh, Justina
Sent: Thursday, May 03, 2018 2:41 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Kitamura, Louise <Kitamura.Louise@epa.gov>
Subject: Re: Please help: my DAA needs to respond by tomorrow...

Ex. 5 - Deliberative Process

Justina

From: Kitamura, Louise
Sent: Thursday, May 3, 2018 1:58 PM
To: Keith, Jennie
Cc: Fugh, Justina
Subject: Please help: my DAA needs to respond by tomorrow...

Hi Jennie,

Ex. 5 - Deliberative Process

Louise Kitamura
Office of Water
(o) 202-564-1731
(c) Ex. 6 - Personal Privacy

From: Campbell, Ann
Sent: Thursday, May 03, 2018 1:44 PM
To: Kitamura, Louise <Kitamura.Louise@epa.gov>
Cc: Penman, Crystal <Penman.Crystal@epa.gov>
Subject: FW: ***REMINDER TO RSVP*** National Maritime Day Events, 21-22 May 2018

Louise, see Lee's email below. Can you provide an ethics determination. Thank you.

Ann Campbell
Chief of Staff (acting)
Office of Water

From: Forsgren, Lee
Sent: Thursday, May 03, 2018 12:39 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Penman, Crystal <Penman.Crystal@epa.gov>
Subject: RE: ***REMINDER TO RSVP*** National Maritime Day Events, 21-22 May 2018

Would only be attending the event at the Hall of States on the evening of the 21st.

From: Campbell, Ann
Sent: Thursday, May 3, 2018 12:38 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>
Subject: RE: ***REMINDER TO RSVP*** National Maritime Day Events, 21-22 May 2018

Lee,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ann Campbell
Chief of Staff (acting)
Office of Water

From: Forsgren, Lee
Sent: Thursday, May 03, 2018 12:35 PM
To: Penman, Crystal <Penman.Crystal@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: FW: ***REMINDER TO RSVP*** National Maritime Day Events, 21-22 May 2018

Crystal,

Does this work with my schedule?

Ann,

Ex. 5 - Deliberative Process

Thanks,
Lee

From: Laila Linares **Ex. 6 - Personal Privacy**

Sent: Thursday, May 3, 2018 12:30 PM

To: **Ex. 6 - Personal Privacy**

Ex. 6 - Personal Privacy

Forsgren, Lee <Forsgren.Lee@epa.gov>; **Ex. 6 - Personal Privacy**

Subject: ***REMINDER TO RSVP*** National Maritime Day Events, 21-22 May 2018

Gentlemen,

Just wanted to remind you all to consider participating in our planned National Maritime Day Events as outlined below. Specifically, if you intend to participate in the Joint-KPCWDC & Propeller Club National Maritime Day Reception (Capitol View, Monday, May 21, 2018 from 5-7pm), please RSVP via email by **tomorrow**, 4 May 2018.

Since last Saturday, we have secured the planned attendance of (3) WWII veterans and (2) daughters of WWII veterans to serve as guests of honor at the Informal Lunch following the MARAD Ceremony on May 22nd. More info to follow on that...

Thank you.

Acta Non Verba,

Laila Linares, KP 06'
President - Kings Point Club of Washington, D.C. (KPCWDC)

On Sat, Apr 28, 2018 at 2:04 PM, Laila Linares { **Ex. 6 - Personal Privacy** } wrote:

Members of the Executive Committee,

Good afternoon and hope you all have been well. I wanted to ensure that I personally invited you to join us in honoring the merchant marine during National Maritime Day. Our Board plans to notify the Chapter of the following events, all of which I hope you will be able to be a part of:

A) Joint Kings Point Club of Washington, D.C. & Propeller Club of Washington, D.C. National Maritime Day Reception which will be held on Monday, May 21, 2018 from 5-7pm on the rooftop of Capitol View at 400, 444 North Capitol Street, NW. At this time, due to limited capacity of the venue, we have arranged for **free-of-charge** attendance for a maximum of (25) members from our Chapter. Seats will be reserved on a first-come/first-serve basis, however attendance from the Executive Committee will take precedence. If you intend to participate, please RSVP via email by Friday, 4 May 2018.

During this co-sponsored event, we will have the opportunity to network with other maritime academy/industry groups, lawmakers, guests from Congress, the Administration, and various stakeholders from around D.C. in pursuit of shared goals.

B) Maritime Administration (MARAD) National Maritime Day Ceremony (cake-cutting and awards) to be held Tuesday, May 22, 2018 from 10-11:30am at the U.S. Department of Transportation, 1200 New Jersey Ave. SE. Admittance to the event is by RSVP only and seating is limited, so please RSVP early at MaritimeDay@dot.gov but no later than 15 May 2018. Additional info can be found at link below.

<https://www.marad.dot.gov/education/national-maritime-day/>

C) Kings Point Club of Washington, D.C. Informal Lunch to be held immediately following the MARAD National Maritime Day Ceremony on Tuesday, May 22, 2018 at 12pm, Location TBD - In vicinity of the Washington Navy Yard Waterfront. If you intend to participate, please RSVP via email by 15 May 2018.

Thank you and hope to see you all at one or more events.

Acta Non Verba,
Laila Linares, KP 06'
President - Kings Point Club of Washington, D.C. (KPCWDC)

Message

From: Ford, Hayley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4748A9029CF74453A20EE8AC9527830C-FORD, HAYLE]
Sent: 4/17/2018 6:20:14 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: RE: Homebuilders paid for Pruitt's Colorado hotel stay

Ex. 5 - Deliberative Process

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Jackson, Ryan
Sent: Tuesday, April 17, 2018 2:10 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Subject: FW: Homebuilders paid for Pruitt's Colorado hotel stay

Ex. 5 - Deliberative Process

From: Bowman, Liz
Sent: Tuesday, April 17, 2018 1:35 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: FW: Homebuilders paid for Pruitt's Colorado hotel stay

From: POLITICO Pro [<mailto:politicoemail@politicopro.com>]
Sent: Tuesday, April 17, 2018 1:16 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Homebuilders paid for Pruitt's Colorado hotel stay

Homebuilders paid for Pruitt's Colorado hotel stay

By Lorraine Woellert

04/17/2018 01:12 PM EDT

A group of Colorado homebuilders paid for a luxury hotel stay last fall for EPA chief Scott Pruitt, eight months after the Trump administration began work on a major priority for their industry by unwinding an Obama-era wetlands regulation.

During his visit to Colorado Springs, Pruitt gave a speech to the builders and invited them to EPA headquarters in Washington, where he later told his staff to regard them as the agency's "customers," the head of the group told POLITICO.

The \$409.12 hotel stay may have met federal legal requirements if EPA's ethics officers had approved it ahead of time. But it's likely to add to the storm of ethics controversies surrounding Pruitt, who faces scrutiny from EPA's inspector general, the White House and members of Congress for his travel and security spending and a \$50-a-night Capitol Hill rental he accepted from the wife of an energy lobbyist.

The \$409 hotel room "might be the least of his problems, but it's emblematic of all his problems," said Virginia Canter, an ethics lawyer for Citizens for Responsibility and Ethics in Washington, a nonprofit watchdog group.

"It's one thing when a head of an agency or senior official is engaged in legitimate outreach," Canter added. "But to give a speech, accept a benefit of overnight lodging, then a few weeks later instruct your staff that these are your clients strikes me as inappropriate. At a minimum it raises an appearance issue."

Pruitt is known to actively seek speaking slots at events with key groups with a stake in the agency's actions. A former staffer, Kevin Chmielewski, has told lawmakers that Pruitt directed his staff to find places he could visit, congressional Democrats wrote in a letter last week. A former lobbyist also recalled Pruitt and his staff persistently asking for an invite to a conservative event that fundraisers frequently attend.

EPA spokesman Jahan Wilcox did not immediately respond to requests for comment about the travel arrangements.

Pruitt agreed to speak to the Housing and Building Association of Colorado Springs after it offered to cover his expenses, including his flights and \$409.12 to put him up at The Broadmoor, a lakeside golf resort, on Oct. 4, according to the builder group's chief executive officer, Renee Zentz. The hotel advertises itself as "a legendary Forbes Five-Star and AAA Five-Diamond resort with impeccable service and distinctive amenities."

EPA never billed the trade group for his flights, Zentz said in an interview. And while Pruitt stayed at The Broadmoor as the group had agreed, his entourage spent the night at a different hotel, Zentz said.

"We didn't pay for his team but we paid for him. That was the agreement when we talked to him," Zentz said. "We just wanted to get him here, we were just so excited to have him."

The trip's headline event was a Pruitt speech to a lunch gathering of about 150 people on Oct. 5, Zentz said. In a stroke of good timing, board members from the National Association of Home Builders were meeting in nearby Santa Fe, N.M., and flew up for the event. NAHB President Jerry Howard hustled in from Washington to moderate Pruitt's remarks.

The group's invitation describes the event as "a rare opportunity to hear directly from the EPA administration" and "our chance to make sure the concerns of our industry are being listened to."

"It just was an awesome opportunity," Zentz said. "It was a pretty big feather in our cap locally."

Builders rank among Pruitt's biggest supporters, even amid his recent spate of negative headlines. They also have lauded the administration's efforts to roll back regulations on clean water and storm runoff, including a sweeping Obama-era EPA regulation called Waters of the United States that several industries have denounced as a multibillion-dollar drag on the economy. Granger MacDonald, then-chairman of the National Association of Home Builders in Washington, was at the White House in February 2017 when President Donald Trump signed an executive order that took the first step toward undoing that rule, one of his first acts in office.

Pruitt, who attended the signing ceremony, has since set about crafting a much more limited regulation to protect waterways and wetlands. Environmental groups have said the move could leave 60 percent of U.S. stream miles and 20 million acres of wetlands unprotected and vulnerable to development or pollution.

Before the October lunch in Colorado Springs, Pruitt sat down to an invitation-only coffee with about 20 business owners and builders, who complained about EPA's approach to stormwater controls and other regulations. At the end of that meeting, Pruitt instructed staff to arrange a meeting in Washington with industry representatives, Zentz said.

That meeting took place at EPA headquarters on Oct. 24, when Pruitt and his staff met with eight to 10 industry representatives, including a Colorado builder from Zentz's group.

Pruitt "wanted to hear from our districts. He called a representative from every single district," Zentz said. "He put his staff in the room and said, 'This is our customer, this is who we're going to listen to.'"

"He told his staff, 'These are our customers,'" Zentz said. "He listened."

Federal law allows government officials to accept travel reimbursement, including hotel stays, with prior approval from agency officers. But even if the agency had approved the room, it was inappropriate, CREW's Canter said.



"It appears to be abuse of the travel approval," she said. "It's not intended to be used to provide luxury accommodations to the head of the agency so he can turn around two weeks later and say we give these guys favorable treatment."

Emily Holden and Annie Snider contributed to this report.

To view online:

<https://www.politicopro.com/energy/article/2018/04/homebuilders-paid-for-pruitt-hotel-stay-488318>

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Yes, very	Somewhat	Neutral	Not really	Not at all

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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
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Emily Holden and Annie Snider contributed to this report.

To view online:

<https://www.politicopro.com/energy/article/2018/04/homebuilders-paid-for-pruitt-hotel-stay-488318>

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Yes, very	Somewhat	Neutral	Not really	Not at all

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Message

From: Ford, Hayley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4748A9029CF74453A20EE8AC9527830C-FORD, HAYLE]
Sent: 4/19/2018 4:54:32 PM
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CC: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; Hupp, Millan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92cac7b684b64f90953b753a01bee0d5-Hupp, Milla]; Minoli, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c9c0070d651a4625ac20258369f9b050-KMINOLI]
Subject: RE: Ethics Approval: Kentucky Derby with Governor Bevin

Thank you, Jennie. We will advise him of your guidance to decline and I will confirm once we have officially declined so we can close the loop.

Thank you for reviewing!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Keith, Jennie
Sent: Thursday, April 19, 2018 11:29 AM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: Ethics Approval: Kentucky Derby with Governor Bevin

Hi Haley,

OGC/Ethics advises the scheduling office **to decline** this invitation because the event is considered a prohibited gift and, as such, no agency employee can accept it. See the following for more complete details. If the official would like to pay to attend the events, please let us know so that we can obtain further details about cost (hotel) and process for payment. See the following for more complete details.

Best, Jennie for OGC/Ethics

Acceptance of Free Attendance

The gifts offered are a series of events taking place before and after the Kentucky Derby, as well as attending the sporting event itself. These gifts are offered by the Governor's Office of Kentucky. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source – typically a person either regulated by or seeking to do business with the EPA. In this instance, this is a gift offered by a prohibited source (State of Kentucky) and also because of the employee's official position. There are numerous exceptions to this rule which allow employees to accept some gifts; however,

based on the information presented, none of the gift exceptions are applicable to these circumstances. If you have any questions or concerns, please feel free to contact OGC/Ethics.

Payment for the Gift

When an official pays the retail value of a gift, the item no longer is a gift nor subject to the gift rules.

From: Ford, Hayley
Sent: Wednesday, April 18, 2018 3:22 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Hupp, Millan <hupp.millan@epa.gov>
Subject: FW: Ethics Approval: Kentucky Derby with Governor Bevin

Hi all – Just wanted to check in on this to see if there was an update. Thanks!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Ford, Hayley
Sent: Monday, April 16, 2018 10:25 AM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Millan Hupp (hupp.millan@epa.gov) <hupp.millan@epa.gov>
Subject: Ethics Approval: Kentucky Derby with Governor Bevin

Jennie and Justina,

Administrator Pruitt and Mrs. Pruitt were invited by Kentucky Governor Matt Bevin to be his guests at the Kentucky Derby weekend May 4-5. Attached is the invitation letter and then we asked for more details of the agenda items (their response below and attached). The Pruitt's would pay for their own airfare to attend, but from the below, the Governor's office has offered the below events/tickets/lodging as gifts. Can you please advise if the Pruitts are allowed to accept these or if they attended, would they have to pay for all of these items themselves?

They haven't yet decided if they will go, but are waiting for ethics guidance first.

Thank you!

Please note: The Pruitt's aren't expected to pay for anything while attending the Derby. The following costs are for information only.

Derby Eve Gala: \$200 per person

The Derby Gala is Friday night, May 4 from 7:00 – 11:00p (Invitation is attached), dress is Black Tie

Overnight Accommodations: No cost. Bevin grounds, Frankfort, Kentucky

Derby tickets: \$4,142 for 2 tickets, \$2,071 ea.

The Derby tickets/seats are located on the 6th floor of Churchill Downs known as Millionaire's Row (all food and beverage are included in the price of the ticket). Table of 8. The Governor and First Lady will be seated at your table, but will have to step away several times for Derby Day obligations.

The timeline is still under review, but I have attached a very rough draft. More information will be forthcoming in the following days.

Derby Timeline 2018

DRAFT

Friday, May 4, 2018

7:00 PM **Derby Gala** (Governor's Mansion)
704 Capital Avenue
Frankfort, KY 40601

11:00 PM Derby Gala concludes

Saturday, May 5, 2018

11:30 AM Expect to arrive at the Track, transportation will be provided via Security. You will leave from Frankfort, KY.

>6:50 PM **Running of the 144th Kentucky Derby**

After Derby Guests re-board buses at Clubhouse Gate 10

>7:45 PM Depart Churchill Down~ for
Jim Beam American Stillhouse, Clermont, KY with KSP escort

>8:15 PM Arrive at Jim Beam American Stillhouse for **Dinner**

>10:30 PM Depart **Clermont** as a group with KSP escorts.

>11:45 PM Arrive in Frankfort, KY

Please review the attached information and let me know if you have any questions. We look forward to hosting Administrator Pruitt and his guest.

Karen Yates

Executive Assistant

Office of the Secretary

Cabinet for Economic Development

Office: 502-782-1926

karen.yates@ky.gov

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Keith, Jennie
Sent: Wed 5/16/2018 6:43:09 PM
Subject: (CHARTERED AIRCRAFT) Alaska North Slope

Justina,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Shiffman, Cari [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=645F74D11EEC4EBA9337CB5734AD6098-SHIFFMAN, CARI]
Sent: 4/18/2018 3:19:38 PM
To: Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]; Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Branning, Hannah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a568a722d33649dfa02f3dc95cd7a3fd-Branning, Hannah]
Subject: RE: Question on EarthX Event - Attendance, Offer of Travel
Attachments: Ethics Travel Form - Bodine EarthX.pdf

Jennie,

- 1) We confirmed that the registration is \$0 for all government attendees (which includes breakfast and lunch). We did not fill out a travel form for that, but please let us know if she needs to.
- 2) Attached is the travel form for the dinner Thursday night being paid for by EarthX. The dinner is this **Thursday, April 19**. Susan understands that she may not accept payment for the dinner if OGC ethics has not yet approved the offer beforehand.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Could you please let me know before the dinner tomorrow if she can or cannot accept the offer for the dinner? Please let me know if you need any additional information.



EarthxEco Auto Show

The 2018 EarthxEco Auto Show marks an important stop for attendees to learn how smart solutions in transportation can make a big impact on our environment. We're making it fun for environmentally conscious consumers to see emerging technologies and the number of options available in the green auto market.

The EarthxEco Auto Show is the place to see cars for the future!

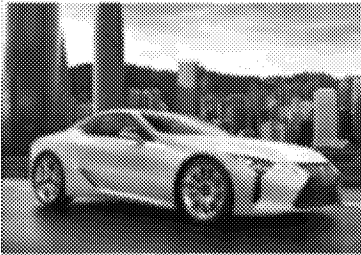
Featured Car Brands: Lexus, Infiniti, Subaru, Cadillac, GMC, Mini Cooper, Buick, Mercedes, Porsche, Volvo, Kia, Honda, Volkswagen, Nissan



SEWELL



2018 Lexus LC 500 Hybrid



2018 Nissan Leaf



Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: (202) 823-3277

From: Shiffman, Cari
Sent: Tuesday, April 17, 2018 4:53 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Branning, Hannah <Branning.Hannah@epa.gov>
Subject: RE: Question on EarthX Event - Attendance, Offer of Travel

Jennie,

Some quick follow-up questions:

- 1) If the registration is \$0 for all government attendees, then does she need to fill out the ethics form for the breakfast and lunch for that event?
- 2) We are finding out the information from the dinner organizer so she can fill out the ethics form (the dinner is this Thursday). I don't see a spot for the DEO to review and approve. Who in OGC do we need to submit the form to for final approval?

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: (202) 823-3277

From: Keith, Jennie
Sent: Monday, April 16, 2018 10:38 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: RE: Question on EarthX Event - Attendance, Offer of Travel

Evening Cari, SEE SPECIFIC COMMENTS below in your original email (in red text).

All offers are acceptable via the ethics travel form because the employees will be in travel status. The Agency has authority to accept travel benefits for most meetings when a host offers them and the employee will be in travel status. Employees need final OGC approval before travel starts. To record the gifts, we use the "ethics travel form." The process for completion is that the travelers submit the form to their Deputy Ethics Official. Once the DEO reviews (and approves) them, they come into OGC/Ethics' queue for final approval.

If the traveler has access to Lotus Notes, then please have her complete the ethics travel form in there by clicking on this link:

<http://intranet.epa.gov/ogc/ethics/travel.htm>

These forms can be "prefilled" by another before the traveler submits them.

If access to the Lotus Notes database is a problem, then please check out the instructions I am sending to you in a separate email.

Thanks!
Jennie for OGC/Ethics

From: Fugh, Justina
Sent: Monday, April 16, 2018 10:17 AM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: Fwd: Question on EarthX Event - Attendance, Offer of Travel

Sent from my iPhone

Begin forwarded message:

From: "Shiffman, Cari" <Shiffman.Cari@epa.gov>
Date: April 13, 2018 at 5:24:36 PM EDT
To: "Fugh, Justina" <Fugh.Justina@epa.gov>
Cc: "Branning, Hannah" <Branning.Hannah@epa.gov>
Subject: Question on EarthX Event - Attendance, Offer of Travel

Justina,

Susan Bodine is planning to attend the Law and Policy Symposium at EarthX in Dallas next Friday as a keynote speaker. We had several questions we wanted to run by you.

1. There will a breakfast and lunch for everyone who attends the Law and Policy Symposium. May Susan eat the meals? Other participants paid between \$25 and \$225 to attend. Does Susan need to pay the registration fee?

OGC/ETHICS: I'm assuming that the registration covers the meals. I went to the law registration website: <https://my.earthx.org/events/-/e175627>

On the website, it appears the registration fee has changed. Now, it doesn't cost government employees anything to attend. So, the follow up question is this: "Would you please confirm, based on this website, that there is no registration fee for government employees? Would you also confirm that registration covers breakfast and lunch on the day of the event?" Remember, whatever meals are provided and/or travel expenses, Susan would not voucher for those.

2. The organizers want to arrange and pay for a dinner for the speakers for Thursday night. Can Susan attend this dinner? If she can attend, does she need to pay for the meal?

OGC/ETHICS: Yes, we will use the ethics travel form to accept this meal. She cannot voucher for this.

3. One of the organizers of the Symposium just reached out to us to offer to pay for Susan's flight and hotel. Susan had already been planning to go to Dallas on Wednesday's night for an annual visit with Region 6, so we have already booked her flight and hotel. Can she accept this offer?

OGC/ETHICS: Yes, the Agency can accept this offer via the ethics travel form. When you write back to the organizers, you need to confirm who exactly is paying for each expense. Ethics Travel Forms are organized by source, not by the trip. So, who is paying for the flight, hotel, speaker's dinner, etc. I want to know who is cutting the check. If all the organizers are chipping in money, and there is one administrator doling out expenses, then the administrator is the one paying for expenses. But, if each organizer has a financial responsibility, then we'll need multiple ethics travel forms to account for each donor. Make sense?

Ex. 5 - Deliberative Process

They may have also reached out to Matt Leopold's assistant, since he is speaking at the symposium as well.

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: (202) 823-3277

Status >>>

New Form

<<< Status

Traveler Information (click here to open/close)

**EPA**Approval to Accept Travel
Under Ethics Reform Act of 1989**Event Location**

Dallas, Texas

Travel Starts

04/19/2018

Traveler's Role

Official Duty



Outside Activity

Travel Ends

04/20/2018

Event Sponsor(s)

EarthX

DEO or designee

Larry Starfield

Employee Name

Susan Bodine

Purpose of Event

Dinner for speakers at the EarthX Law & Poli

Spousal expenses included?

Yes



No

Title

Assistant Administrator

Organization

OECA

Phone Number

202-564-2440

Who is the non-federal person(s) or entity(s) paying travel expenses?**Name of Organization:** EarthX**Address:** 4311 Oak Lawn Ave Suite 325 Dallas, TX 75219**What kind of entity is this?**

for-profit



state/local government



College/University



not for-profit



foreign government



Other (explain below)

Describe the entity (source) paying travel expenses. If the source of the travel expenses is an organization, describe the membership of the organization. For example, the "Center for Sound Science" may be largely made up of companies which produce chemicals regulated by your program or interest groups who take a position on our policies or regulations. (You can attach files below.)

See attached.

Is this source a party to a matter that is pending before you for decision, such as a contract or assistance agreement matter, permit, license, etc.? If "Yes", then acceptance of travel expenses cannot be approved



Yes



No

Is this source paying the travel through an EPA contract, Federal assistance agreement OR FEDERAL GRANT (including a recipient's matching share)? If "Yes", then acceptance of travel expenses cannot be approved



Yes



No

Is this source otherwise affected by EPA matters in which you participate?



Yes



No

If "Yes," describe the matter and attach explanation (below).

Itemization of benefits**Amount & METHOD of payment**

	Amount & METHOD of payment	
	IN KIND ticket, meals etc., est. the \$	IN CASH must be a check etc. made out to EPA
Common carrier transportation	\$ 0.00	\$ 0.00
Meals	\$ 35.00	\$ 0.00
Lodging	\$ 0.00	\$ 0.00
Local transportation	\$ 0.00	\$ 0.00
Waiver of fees	\$ 0.00	\$ 0.00
Other (specify)	\$ 0.00	\$ 0.00
Sub Total	\$ 35.00	Sub Total \$ 0.00

TOTAL →→→→→ \$ 35.00

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

Does this amount exceed the amount payable under Federal Travel Regulations?
(see <http://www.gsa.gov> for per diem rates)

☐ Yes ☒ No

Any other explanations or attachments ⓘ

Traveler's Certification

By: 

Date: 4/18/2018



About Us

Mission & Vision

Mission: Connecting a global community to create a sustainable world for all life and future generations.

Vision: Be the leading global connector and environmental forum to positively impact our world for a sustainable future

History

As a 501(c)(3) non-profit organization focused on environmental education and awareness, EARTHx has created the world's largest annual forum for sharing the latest initiatives, discoveries, research, innovations, policies, and corporate practices that are reshaping our world.

This three-day free event is held in April to celebrate progress, hope, and innovation and is the largest event in the world of its kind. EARTHx brings together environmental organizations, businesses, academic institutions, government agencies, speakers, interactive programming, and subject matter experts along with live music and sustainable beer and food pavilions. EARTHx creates a fun and engaging atmosphere for thought and experiential learning while encouraging attendees to be the change they wish to see in the world.

What started in 2011 as an outdoor event spanning five blocks of Flora Street in Dallas' Arts District grew to occupy approximately one million square feet of indoor and outdoor event space in Dallas' historic Fair Park. In 2017, EARTHx hosted more than 100,000 attendees, over 900 exhibitors and 260 speakers, becoming the largest annual environmental exhibition and programming initiative in the world.

While many of our efforts are centered on our EARTHx event in April, EARTHx has also launched numerous year-round events to generate additional awareness and inspire people to get involved and help make a difference. These events include networking

receptions with speaker panels, forums, film series, volunteer opportunities and environmental projects.



EARTHx continues to present attendees and participants with breakthrough solutions and fascinating innovations that will empower them to make a difference in their communities and the world – 365 days a year.

SIGN UP TO OUR NEWSLETTER

Email Address

SUBMIT

EARTHx EVENT

Event Sponsors (<https://earthx.org/sponsors/>)

Event Exhibitors (<https://earthx.org/exhibitors/>)

GET INVOLVED

Attend (<https://earthx.org/attend/>)

Exhibit (<https://earthx.org/exhibit/>)

Sponsor (<https://earthx.org/sponsor/>)

Volunteer (<https://earthx.org/volunteer/>)

Donate (https://earthx.secure.force.com/pmtx/cmpgn__Donations?id=701U000000006864)

NEWS & MEDIA

Press Room (</topics/press-releases/>)

Facts (<https://earthx.org/facts/>)

EarthX, formerly Earthday Texas, is a 501(c)(3) nonprofit organization focused on environmental education and awareness. As the largest environmental experience, EarthX showcases the latest initiatives, discoveries, research, innovations, policies and corporate practices that are reshaping the future.

Founded in 2011 by Dallas-based environmentalist & businessman Trammell S. Crow.

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Privacy Policy (<https://www.earthx.org/privacy-policy>) - Terms and Conditions
(<https://www.earthx.org/terms>)


Message

From: Duross, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1771DDAF869F40998535D410E5B1A93E-JDUROSS]
Sent: 5/14/2018 2:44:49 PM
To: Ross, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38caf91847dd4f95810c1f96d918871c-Ross, Margaret]; Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; OGC Ethics [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d2008c2d46ec4cd783b3b20b84a10fdd-OGC Ethics]
Subject: Re: my meeting with Kevin yielded some startling news

Ex. 5 - Deliberative Process

Jeanne M. Duross/ Ethics Attorney/Office of General Counsel, Ethics/U.S. EPA/4407F--WJCN (Mail Code 2248A)/Phone (202)564-6595

From: Ross, Margaret
Sent: Friday, May 11, 2018 3:20 PM
To: Fugh, Justina; OGC Ethics
Subject: RE: my meeting with Kevin yielded some startling news

My personal cell was incorrect (). I corrected in the attached.

Ex. 6 - Personal Privacy

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: Fugh, Justina
Sent: Friday, May 11, 2018 3:01 PM
To: OGC Ethics <OGC_Ethics@epa.gov>
Subject: my meeting with Kevin yielded some startling news

Hi there,

Ex. 5 - Deliberative Process

Other notes:

-
-
-

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Justina

Message

From: Ford, Hayley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4748A9029CF74453A20EE8AC9527830C-FORD, HAYLE]
Sent: 3/15/2018 10:22:53 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Ethics Approval: Events with VPOTUS
Attachments: A1A ATLANTA Roundtable SP 03 23 18.docx; Georgia GOP.DOCX; 2018-03-23 VP Event Proposal Atlanta, GA.DOCX

Justina,

The Administrator has been invited to travel to Atlanta next Friday with the Vice President on Air Force 2 and attend the 3 attached events. One of the events ("2018-03-23 VP Event Proposal Atlanta, GA") is an official tax reform event with no political or fundraising component. The other 2 events attached (America First Action Roundtable & Georgia Republican Party dinner) are political events and I assume he would need to attend in his personal capacity. Can you review and give your guidance? If given clearance, he will attend these events.

The information below will be helpful in reviewing:

- **Costs** **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

- **America First Action Roundtable:** Small event, no formal speaking portion.
- **Georgia Republican Party Dinner:** Large dinner, have offered a speaking role if he'd like one (very brief). If you could provide guidance both on him speaking vs. not speaking (would assume if he's cleared to, that he will want to speak).
- **POCs:** If you need to reach out to the event organizers, they are listed on the attached forms. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Thank you!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

Message

From: Keith, Jennie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=79C2D25E4DFE45CEAF788A87F714CC0F-JKEITH]
Sent: 5/11/2018 8:26:11 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: RE: my meeting with Kevin yielded some startling news

Hi Justina,

Ex. 6 - Personal Privacy

I don't know why this feels so complicated.
Jennie

From: Fugh, Justina
Sent: Friday, May 11, 2018 3:58 PM
To: Ross, Margaret <Ross.Margaret@epa.gov>; OGC Ethics <OGC_Ethics@epa.gov>
Subject: RE: my meeting with Kevin yielded some startling news

Oh no! We don't want Kevin to call Ex. 6 - Personal Privacy.

From: Ross, Margaret
Sent: Friday, May 11, 2018 3:21 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; OGC Ethics <OGC_Ethics@epa.gov>
Subject: RE: my meeting with Kevin yielded some startling news

My personal cell was incorrect Ex. 6 - Personal Privacy. I corrected in the attached.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: Fugh, Justina
Sent: Friday, May 11, 2018 3:01 PM

To: OGC Ethics <OGC_Ethics@epa.gov>

Subject: my meeting with Kevin yielded some startling news

Hi there,

Ex. 5 - Deliberative Process

Other notes:

- **Ex. 5 - Deliberative Process**
- **Ex. 5 - Deliberative Process**
- **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Justina

Message

From: Ross, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38CAF91847DD4F95810C1F96D918871C-ROSS, MARGARET]
Sent: 5/11/2018 8:24:45 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: Re: my meeting with Kevin yielded some startling news

Ex. 5 - Deliberative Process



Sent from my iPhone

On May 11, 2018, at 3:57 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Oh no! We don't want Kevin to call Ex. 6 - Personal Privacy

From: Ross, Margaret
Sent: Friday, May 11, 2018 3:21 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; OGC Ethics <OGC_Ethics@epa.gov>
Subject: RE: my meeting with Kevin yielded some startling news

My personal cell was incorrect Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy). I corrected in the attached.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: Fugh, Justina
Sent: Friday, May 11, 2018 3:01 PM
To: OGC Ethics <OGC_Ethics@epa.gov>
Subject: my meeting with Kevin yielded some startling news

Hi there,

Ex. 5 - Deliberative Process

Other notes:

- **Ex. 5 - Deliberative Process**

- **Ex. 5 - Deliberative Process**

- **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Justina

NAME	EPA WORK #
Jeanne Duross	(202) 564 6595
Justina Fugh	(202) 564 1786
Shannon Griffo	(202) 564 7061
Jennie Keith	(202) 564 3412
Margaret Ross	(202) 564 3221

Ex. 6 - Personal Privacy

NAME	WORKING TIMES	LOCATION
Jeanne Duross	Ex. 6 - Personal Privacy	
Justina Fugh		
Shannon Griffo		
Jennie Keith		
Margaret Ross		

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/13/2018 8:08:46 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]
CC: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
Subject: RE: cancelled checks?

Of course.

From: Fugh, Justina
Sent: Friday, April 13, 2018 4:01 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: cancelled checks?

May I come by today and get them from you?

From: Jackson, Ryan
Sent: Friday, April 13, 2018 4:00 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: cancelled checks?

I have them.

From: Fugh, Justina
Sent: Friday, April 13, 2018 3:41 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: cancelled checks?

Nope, OCIR doesn't have them. I'm on the hunt!

From: Leopold, Matt
Sent: Friday, April 13, 2018 3:39 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: cancelled checks?

I don't have them. I think Ryan and OCIR have them.

Sent from my iPhone

On Apr 13, 2018, at 3:34 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Wilcox, Jahan
Sent: Friday, April 13, 2018 3:32 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: cancelled checks?

Ex. 5 - Deliberative Process

From: Fugh, Justina
Sent: Friday, April 13, 2018 3:28 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: cancelled checks?

Hi Jahan,
Remember my message from yesterday? OGC would like to have a copy of the cancelled checks (for the lease), please.
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Wilcox, Jahan
Sent: Friday, April 13, 2018 3:26 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Correct.

From: Keith, Jennie
Sent: Friday, April 13, 2018 2:05 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Hi Jahan,

I just want to confirm that this invitation is for you and it's only to attend a pre-reception (not the actual dinner). Correct?

Thanks!
Jennie for OGC/Ethics

From: Fugh, Justina
Sent: Friday, April 13, 2018 11:47 AM

To: Wilcox, Jahan <wilcox.jahan@epa.gov>

Cc: Keith, Jennie <Keith.Jennie@epa.gov>

Subject: RE: APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Hi Jahan,

Jennie Keith, copied here, reviews invitations. She'll get back to you.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Wilcox, Jahan

Sent: Friday, April 13, 2018 11:29 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Justina –

Can I get an answer on if I can attend this event hosted by CBS News and Atlantic Media. Believe the bottom of the invitation says written ethics guidance can be requested at reception@atlanticmedia.com

Jahan

From: Watson, Eleanor [<mailto:WatsonE@cbsnews.com>]

Sent: Friday, April 13, 2018 10:06 AM

To: Watson, Eleanor <WatsonE@cbsnews.com>

Subject: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

<image001.jpg>

David Rhodes
PRESIDENT
CBS NEWS

+

David Bradley
CHAIRMAN AND CEO
ATLANTIC MEDIA

cordially invite you to a **RECEPTION**

preceding the
WHITE HOUSE
CORRESPONDENTS
DINNER

**Saturday, the 28th
of April, 2013**

AT 6:00 PM

**Washington Hilton
Courtyard & Gardens, Lobby Level**

1919 Connecticut Avenue, NW
Washington, DC 20009

RSVP to Eleanor Watson
at WatsonE@cbsnews.com

RSVP REQUIRED IN ADVANCE

This invitation is non-transferable
and must be presented for admittance.

Note to Government Employees: A description of this event--written for government ethics office review--may be requested by writing to reception@atlanticmedia.com.

Message

From: Gleason, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=96BC79D699E64C21BF4E4D524A10BF4C-GLEASON, MICHAEL]
Sent: 3/6/2018 2:00:36 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: FW: Caucuses
Attachments: RE: Republican caucus on March 6

Hi Justina,

Ex. 6 - Personal Privacy

Doug asked about attending a Republican caucus tonight. I think

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I will get back to Doug later this morning with this advice. But please let me know if you have any additional advice or thoughts

Ex. 6 - Personal Privacy

Thanks Justina.

Michael P. Gleason
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Benevento, Douglas
Sent: Monday, March 5, 2018 4:49 PM
To: Gleason, Michael <Gleason.Michael@epa.gov>
Subject: Caucuses

Michael,

I was planning on attending the Republican caucuses tomorrow night in Douglas County. However, before doing so I wanted to check with you and make certain my attendance wouldn't constitute a violation of any ethical policy, law, or regulation governing my employment. If you could provide guidance on this matter I would appreciate it.

Thanks,

Doug

Message

From: Gleason, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=96BC79D699E64C21BF4E4D524A10BF4C-GLEASON, MICHAEL]
Sent: 3/1/2018 4:50:13 PM
To: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]
CC: Benevento, Douglas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93dba0f4f0fc41c091499009a2676f89-Benevento,]; Thomas, Deb [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4dc0908fddf040c787aaa3e7cdabf369-Thomas, Debra]; Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: RE: Republican caucus on March 6
Attachments: HatchActChartFebruary2017.docx

Hi Patrick,

Thank you for your question and for being alert to possible Hatch Act issues involved in participating in political party activities. I conferred with Justina Fugh, your DEO (copied). Since you are currently an "Administratively Determined" employee, you are a "less restricted" employee for purposes of the Hatch Act. As such, you are permitted to participate in a partisan caucus and to serve as a delegate to a party convention in your personal capacity when off duty. When off duty, you also are permitted to: express support for or opposition to a political party candidate; campaign on behalf of a partisan candidate; be active on behalf of a candidate at political rallies or meetings; sign a nominating petition; and engage in other partisan activities as summarized in the attached Hatch Act Chart.

Please note that some restrictions still apply even to "less restricted" employees, including:

- You may not participate in political activities using official time, official space or official resources.
- You may not use your official position or authority to interfere with an election or to encourage/discourage political activity by subordinates or by persons with business before the agency.
- You may not solicit, accept or receive political contributions in general (even in your personal capacity)

If you're active on social media, I strongly recommend that you review the Office of Special Counsel's social media and email guidance [here](#) .

These are some of the most common guidance points. Please review the chart and I also recommend reviewing OGC/Ethics' helpful Hatch Act guidance page at: <http://intranet.epa.gov/ogc/ethics/resource.htm#hatch> . OSC also has helpful [FAQs](#). (Is that enough reading information for you? ☺)

Let me or Justina know if you have any further questions or concerns.

Thank you.

Michael P. Gleason
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Davis, Patrick
Sent: Thursday, March 1, 2018 8:57 AM
To: Gleason, Michael <Gleason.Michael@epa.gov>

Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>

Subject: RE: Republican caucus on March 6

Thank you.

Patrick Davis
Environmental Protection Agency
Senior Advisor to the Regional Administrator for Public Engagement
1595 Wynkoop Street
Denver, CO 80202
303-312-6855 (direct)
Ex. 6 - Personal Privacy (cell)

From: Gleason, Michael

Sent: Thursday, March 1, 2018 8:49 AM

To: Davis, Patrick <davis.patrick@epa.gov>

Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>

Subject: RE: Republican caucus on March 6

Hi Patrick,

I'll confer with Justina Fugh about your questions, since she is your Deputy Ethics Official, and we'll get back to you.

Thanks.

Michael P. Gleason
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Davis, Patrick

Sent: Thursday, March 1, 2018 8:14 AM

To: Gleason, Michael <Gleason.Michael@epa.gov>

Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>

Subject: Republican caucus on March 6

Hi Michael,

Am I permitted to participate in the Republican Party precinct caucus at 7 p.m. on Tuesday, March 6 and run to be a delegate to various Republican assembly's (conventions) including county and state assembly?

Thanks,

Patrick Davis
Environmental Protection Agency
Senior Advisor to the Regional Administrator for Public Engagement
1595 Wynkoop Street
Denver, CO 80202
303-312-6855 (direct)
Ex. 6 - Personal Privacy (cell)

Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
Personal (off premises and off duty)			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day	Yes	Yes	Yes
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 4/3/2018 7:54:47 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; Minoli, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c9c0070d651a4625ac20258369f9b050-KMINOLI]
Subject: RE: Ethics question re: law school guest lecture

Got it; thank you!

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Fugh, Justina
Sent: Tuesday, April 3, 2018 3:13 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Ethics question re: law school guest lecture

Oh, it's fine. I'm just going to send Lee a note to find out if he's speaking in his personal or official capacity so that I can provide him with advice.

From: Fotouhi, David
Sent: Tuesday, April 03, 2018 2:54 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Ethics question re: law school guest lecture

Understood. I'd be glad to stop by your office or give you a call if that would be helpful.

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Fugh, Justina
Sent: Tuesday, April 3, 2018 2:50 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Ethics question re: law school guest lecture

Okay, but now I need to find out about this from Lee's perspective.

From: Fotouhi, David
Sent: Tuesday, April 03, 2018 11:27 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Ethics question re: law school guest lecture

Please disregard—my plans have changed and I am not going to be able to join this lecture. Thank you!

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Fotouhi, David
Sent: Tuesday, April 3, 2018 9:52 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Ethics question re: law school guest lecture

Kevin, Justina,

A law professor at the University of Richmond has invited Lee Forsgren from the Office of Water to give a guest lecture on Friday, April 6, to his administrative law class. Lee has asked me to join him. The topic of the lecture is the application of administrative law principles in practice, and it will focus on the history of the “Waters of the United States” definition and describe the current rulemaking effort. I would not receive any compensation, honorarium, or travel reimbursement for my participation. Please let me know if you see any issues with my participation in this lecture and if you have any questions. Thank you.

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Gordon, Stephen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7C8FB4D82BFF4EEC98F5C5D00A47F554-GORDON, STE]
Sent: 2/26/2018 9:41:16 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: FW: Upcoming AZ Trip
Attachments: 2.23.18 Rev PHX WCF Agenda 2018.pdf; ATT00001.htm; 2.8.18-AZ-Travel-and-budget-info.pdf; ATT00002.htm

Justina,

Would I be permitted to attend this event hosted by the Western Caucus Foundation?

Thanks so much!

-Stephen

Stephen L. Gordon Jr.
Deputy Director for Public Engagement
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1301
Gordon.Stephen@epa.gov

From: Bennett, Tate
Sent: Friday, February 23, 2018 6:44 PM
To: Gordon, Stephen <gordon.stephen@epa.gov>
Subject: Fwd: Upcoming AZ Trip

Stephen-

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Begin forwarded message:

From: "Small, Jeff" <Jeff.Small@mail.house.gov>
To: "Rodrick, Christian" <rodrick.christian@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Ringel, Aaron" <ringel.aaron@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Graham, Amy" <graham.amy@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Block, Molly" <block.molly@epa.gov>, "Kelly, Albert" <kelly.albert@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Konkus, John" <konkus.john@epa.gov>
Cc: "Henry, Darrell" <dhenry@rogstrategies.com>, "Hanson, Tanner" <Tanner.Hanson@mail.house.gov>
Subject: RE: Upcoming AZ Trip

Christian, Tate, Aaron, Liz, Amy, Christian, Molly, Kelly, Mandy and John,

Happy Friday to you all.

By now you should have received the below invite from the Western Caucus Foundation. Darrell Henry from the Foundation is traveling for work so I am helping him do some follow-up.

Didn't see anyone from EPA on the RSVP list so wanted to reach out. We would appreciate you all considering sending any Department officials that you all think can make the trip and a person from Congressional Affairs.

Roundtable topics will include: America's Mineral Security, Reliable Water and Power, American Energy Dominance, Tribal Priorities, 21st Century Infrastructure and Federal Lands and Multiple-Use.

Final pitch: The trip will include a tour nearly 7,000 feet below the Earth's surface of Resolution Copper's Superior Mine and an aerial briefing and chartered bus tour of the Grand Canyon. Optional events include a fundraising reception to benefit the Western Caucus Foundation at the Angels vs. Cubs Spring Training Baseball Game as well as evening receptions in Phoenix and Flagstaff. The Foundation will also host a Policy Roundtable with Western Caucus Members and staff and more than 50 important Arizona and Western Caucus stakeholders.

The agenda has been approved by House Administration and House Ethics. Let us know if you have other questions.

Sincerely,

Jeff Small

*Executive Director | Congressional Western Caucus
Senior Advisor | Congressman Paul A. Gosar, D.D.S.*



ARIZONA WESTERN POLICY ROUNDTABLE & FIELD TOUR

Friday, March 9th – Sunday, March 11th

All Western Caucus Members, staff, agency officials and Caucus supporters are encouraged to attend. This is a great opportunity to crisscross Arizona, see important policy issues up close and soak up some Arizona sun watching America's favorite pastime.

Draft Agenda

Thursday, March 8

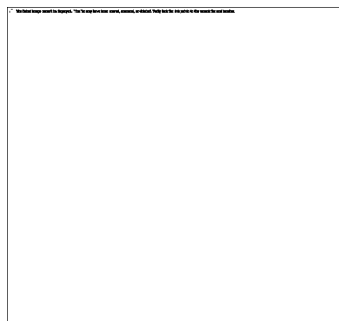
RON

Location: AC Hotel by Marriott, 100 E. Rio Salado Pkwy, Tempe, AZ

Staff booking: click [HERE](#) (Pick Gov and military under Special Rates. Book 8th-

10th.)

Filling up fast. Room block has expired.



Friday, March 9

9:15 am -
11:45

Western Policy Roundtable

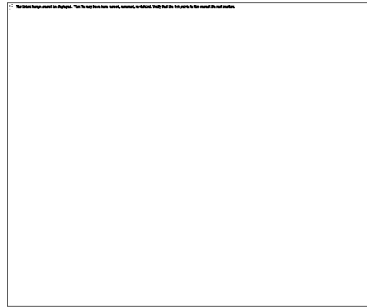
Location: Arizona State University

Community room, Devil's Oasis, at the Sun Devil Marketplace

(660 S. College Ave., Tempe, AZ 85281).

The room is located inside the ASU Bookstore on the second floor.

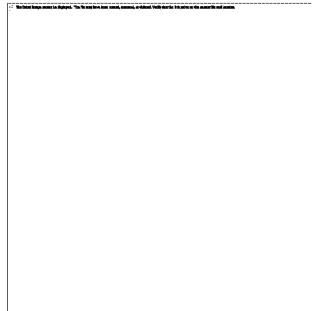
Policy Speaker:



Brenda Burman, Bureau of Reclamation

– Invited

Other Administration Officials – TBA



Roundtable Topics:

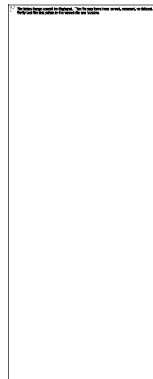
- America’s Mineral Security
- Reliable Water and Power
- American Energy Dominance
- Tribal Priorities
- 21st Century Infrastructure
- Federal Lands and Multiple-Use

1:00pm

Fundraising reception to benefit the Western Caucus Foundation

At the Angels vs. Cubs Spring Training Baseball Game

Location: Sloan Park, “Wrigleyville West” 2330 W. Rio Salado Pkwy, Mesa, AZ



* Members of Congress, Congressional staff and special guests are invited to attend fundraising reception as Foundation Guests.

7pm

Policy Keynote Speech and Dinner

Location: University Club, 39 E. Monte Vista Rd, Phoenix, AZ

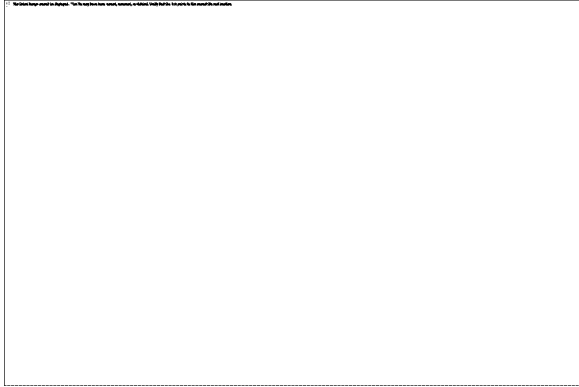
Speaker: Western VIP TBA

RON

Location: AC Hotel by Marriott, 100 E. Rio Salado Pkwy, Tempe, AZ

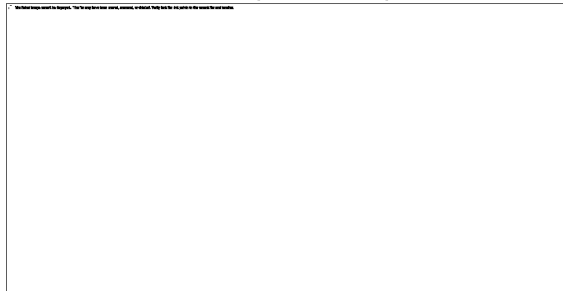
To book click [HERE](#) (Click Special Rates box - Gov and military. Book 8th-10th.)

Filling up fast. Room block has expired.



Saturday, March 10

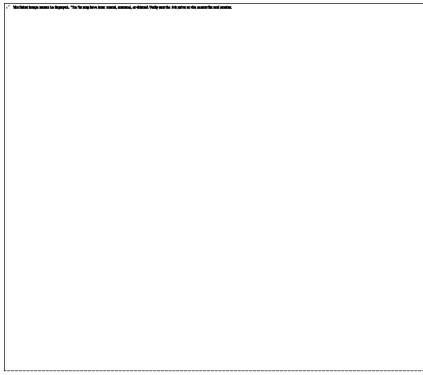
- 8:00am Depart hotel for all day field tour
- 9:00am Member and Staff for Field Tour of Resolution
Copper Superior Mine
Location: 402 W. Main Street, Superior, AZ
- 12:30pm Depart Resolution Copper
Sack lunch on the bus
- 3:00pm Briefing on Forestry and Management Issues
Location: Alcantara Vineyards
3445 S. Grapevine Way · Cottonwood, Arizona 86326



will be at own expense)

(Wine tasting or wine

- 4:00p.m Depart for Flagstaff
- 7pm Reception
Location: TBA, Flagstaff, AZ
- RON The Little America Hotel (this hotel is now sold out)
2515 E. Butler Ave, Flagstaff, AZ
To book call 800-352-4386 - government rate ~\$122.05



More info at:

www.flagstaff.littleamerica.com

or

Drury Inn & Suites Flagstaff

300 South Milton Road Flagstaff, AZ 86001

Telephone: (928) 773-4900

Rate: \$166 inc breakfast

* Government staff should ask for gov rate, you may be able to get a better deal.

<https://www.druryhotels.com/bookandstay/newreservation/?groupno=233508>

2

Sunday, March 11

8:00am Depart for tour of Grand Canyon National Park

9:30am Quiet technology briefing & aerial tour of the Grand Canyon



11:30am

Depart for bus tour of Grand

Canyon and policy briefing

Policy Briefing Topics

- Federal Lands, Parks, and Monuments

12:30pm Lunch and Briefing

Location: historic El Tovar Hotel

Grand Canyon view in the Canyon Room

1 El Tovar Road, Grand Canyon Village, AZ

Speakers: TBA

1:45pm Depart Grand Canyon for Flagstaff Airport via bus

4:47pm Depart Flagstaff Airport to Phoenix and then to DC via commercial airline

or

RON Flagstaff, AZ or Phoenix, AZ

Monday, March 12

*Optional return to DC via commercial airliner

For questions and contact—

WCF: Darrell Henry @ 202-487-8727 or info@westerncaucusfoundation.org

Rep. Gosar: Jeff Small @ 202-480-7931 or Jeff.Small@mail.house.gov

Attendance to all Foundation events limited to supporters and invited guests.

These events are planned to fully comply with Congressional Ethics Rules and Other Applicable Laws.

The Western Caucus Foundation (WCF) is a charitable and educational organization under Section 501(c)(3). Contributions are deductible to the extent allowed by law. It provides education and communications to policy makers and the public to further enhance and sustain the West's dynamic and unique culture.



WESTERN CAUCUS FOUNDATION



THE HONORABLE STEVE DAINES
HONORARY CO-CHAIR

THE HONORABLE PAUL GOSAR
HONORARY CO-CHAIR

ARIZONA WESTERN POLICY ROUNDTABLE & FIELD TOUR

Appendix 1 – Approximate Costs for Government Travel

TRAVEL AND BUDGET INFO

Roundtrip flight	\$586.30
Hotel Tempe	\$396.96 (2 nights at \$198.48) – Government Rate
Hotel Flagstaff	\$122.05+tax
Bus Tours:	\$120
~Total:	\$1,225.31

*Note costs are approximate

Roundtrip flight at government rate:

Air to PHX

Thu, Mar 8

5:00 PM – 8:17 PM

Washington, D.C. (DCA) – Phoenix (PHX)

American 474

Air back from FLG to PHX

Sun, Mar 11

4:47 PM – 5:50 PM

Grand Canyon Village (FLG) – Phoenix (PHX)

American 3036

Air back from PHX to DCA

11:55 PM– 7:07 AM

Phoenix (PHX) – Washington, D.C. (DCA)

American 1512

Hotels at government rate:

March 8 and March 9

RON Location: AC Hotel by Marriott, 100 E. Rio Salado Pkwy, Tempe, AZ
Staff booking: click [HERE](#) (Pick Gov and military under Special Rates. Book 8th-10th.)
Corp & non-gov guests email info@westerncaucusfoundation.org for our block.

March 10

RON The Little America Hotel, 2515 E. Butler Ave, Flagstaff, AZ
To book call 800-352-4386 and ask for the government rate ~\$122.05
More info at: www.flagstaff.littleamerica.com

APPENDIX 2 – FAQs

Who can go on the trip and attend the events?

The trip and events in Arizona are open to Members of the Western Caucus (House and Senate), Congressional staff (with or without a Member of Congress), Western Caucus Foundation stakeholders and Western Caucus guests.

What do I need to book?

Attendees will need to book airfare and hotels as soon as possible. Congressional offices please utilize the same process you use for booking normal government rate travel.

Can we use our office MRA to pay for it?

The agenda and activities on this trip relate to official government duties by members & staff– thus Congressional offices can use MRA funds.

What costs are Congressional Offices responsible for on the trip?

Congressional office expenses include round trip airfare, meals not allowed to be covered by the Foundation, coordinated ground transportation via bus and nightly hotel fees (@ government rate). Congressional offices will not be responsible for the quiet technology aerial tour of the Grand Canyon which is essential for this briefing. The Foundation will coordinate the itinerary, activities, as well as pay for allowable meals and a widely attended reception. These include box lunches at work briefings. **For an estimated breakdown, please see a listing of estimated costs in Appendix I.**

What are the guidelines for attending the fundraiser at the Baseball Game? House Ethics considers the baseball game a charitable event just like any other similar event. Per House Rules -- *“The gift rule is clear that Members, officers, and employees may accept an invitation to a widely attended or charity event only from the sponsor of the event...The gift rule provides that when the requirements set forth above are satisfied, Members, officers, and employees may accept “free attendance” at the event. As used in the rule, free attendance includes “waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event.”* <https://ethics.house.gov/gifts/gift-exceptions-0/charity-fundraising-events>

Per Senate Rules -- *Charity Event: Free attendance, including food and refreshments, at an event where the primary purpose is to raise funds for a § 501 (c)(3) organization. The offer must come from the overall event sponsor, not a table sponsor.*

https://www.ethics.senate.gov/public/index.cfm/files/serve?File_id=B5EA8A39-C8EC-4EF0-9096-FF872752B77B

Attendance to all Foundation events limited to supporters and invited guests.

These events are planned to fully comply with Congressional Ethics Rules and Other Applicable Laws.

The Western Caucus Foundation (WCF) is a charitable and educational organization under Section 501(c)(3). Contributions are deductible to the extent allowed by law. It provides education and communications to policy makers and the public to further enhance and sustain the West's dynamic and unique culture.

ARIZONA WESTERN POLICY ROUNDTABLE & FIELD TOUR

Friday, March 9th – Sunday, March 11th

This amazing trip will include a **tour nearly 7,000 feet below the Earth's surface of Resolution Copper's Superior Mine**. It will include an **aerial briefing** and **chartered bus tour** of the **Grand Canyon**. Optional event activities include a fundraising reception to benefit the Western Caucus Foundation at the **Angels vs. Cubs Spring Training Baseball Game** as well as evening receptions in Phoenix and Flagstaff. The Foundation will also host a **Policy Roundtable** with Western Caucus Members and staff and more than 50 important Arizona and Western Caucus stakeholders.

All Western Caucus Members and staff are encouraged to attend. This is a great opportunity to crisscross Arizona, see important policy issues up close and soak up some Arizona sun watching America's favorite pastime.

Draft Agenda

Thursday, March 8

RON

Location: AC Hotel by Marriott, 100 E. Rio Salado Pkwy, Tempe, AZ

Staff booking: click [HERE](#) (Pick Gov and military under Special Rates. Book 8th-10th.)

Filling up fast. Room block has expired.

Friday, March 9

9:15 am -
11:45

Western Policy Roundtable

Location: Arizona State University

Community room, Devil's Oasis, at the Sun Devil Marketplace
(660 S. College Ave., Tempe, AZ 85281).

The room is located inside the ASU Bookstore on the second floor.

Policy Speaker:

Brenda Burman, Bureau of Reclamation – Invited

Other Administration Officials – TBA

Roundtable Topics:

- America's Mineral Security
- Reliable Water and Power
- American Energy Dominance
- Tribal Priorities
- 21st Century Infrastructure
- Federal Lands and Multiple-Use



1:00pm

Fundraising reception to benefit the Western Caucus Foundation

At the Angels vs. Cubs Spring Training Baseball Game

Location: Sloan Park, "Wrigleyville West" 2330 W. Rio Salado Pkwy, Mesa, AZ

* Members of Congress, Congressional staff and special guests are invited to attend fundraising reception as Foundation Guests.

7pm

Policy Keynote Speech and Dinner

www.westerncaucusfoundation.org



Location: University Club, 39 E. Monte Vista Rd, Phoenix, AZ
Speaker: Western VIP TBA

RON Location: AC Hotel by Marriott, 100 E. Rio Salado Pkwy, Tempe, AZ
To book click [HERE](#) (Click Special Rates box - Gov and military. Book 8th-10th.)
Filling up fast. Room block has expired.

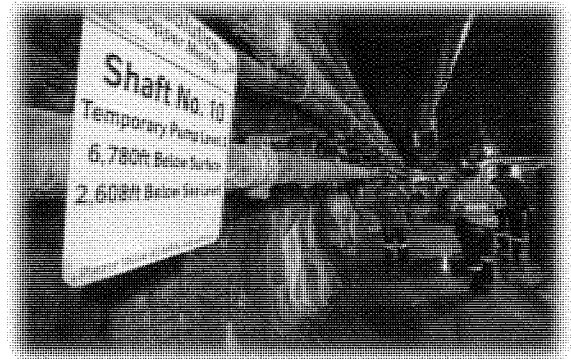
Saturday, March 10

8:00am Depart hotel for all day field tour

9:00am Member and Staff for Field Tour of Resolution
Copper Superior Mine
Location: 402 W. Main Street, Superior, AZ

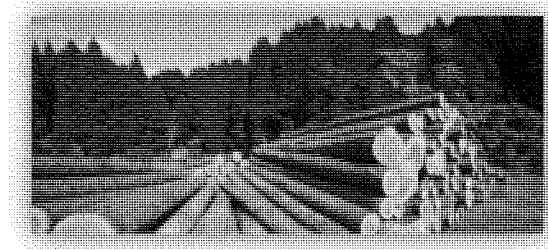
12:30pm Depart Resolution Copper
Sack lunch on the bus

3:00pm Briefing on Forestry and Management Issues
Location: Alcantara Vineyards
3445 S. Grapevine Way · Cottonwood, Arizona 86326
(Wine tasting or wine will be at own expense)



4:00p.m Depart for Flagstaff

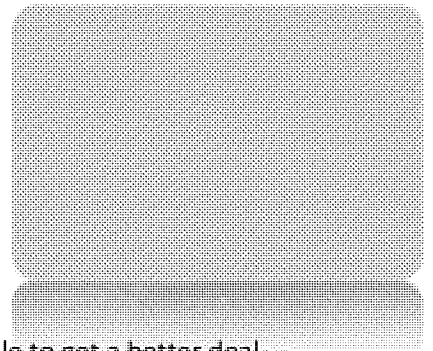
7pm Reception
Location: TBA, Flagstaff, AZ



RON The Little America Hotel (this hotel is now sold out)
2515 E. Butler Ave, Flagstaff, AZ
To book call 800-352-4386 - government rate ~\$122.05
More info at: www.flagstaff.littleamerica.com

or

Drury Inn & Suites Flagstaff
300 South Milton Road Flagstaff, AZ 86001
Telephone: (928) 773-4900
Rate: \$166 inc breakfast
* Government staff should ask for gov rate, you may be able to get a better deal.
<https://www.druryhotels.com/bookandstay/newreservation/?groupno=2335082>



Sunday, March 11

8:00am Depart for tour of Grand Canyon National Park

www.westerncaucusfoundation.org

9:30am Quiet technology briefing & aerial tour of the Grand Canyon

11:30am Depart for bus tour of Grand Canyon and policy briefing

Policy Briefing Topics

- Federal Lands, Parks, and Monuments

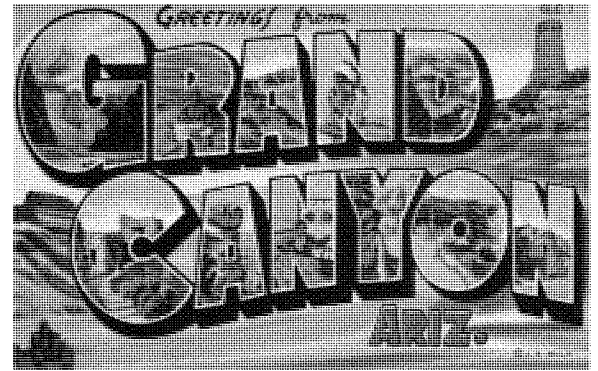
12:30pm Lunch and Briefing

Location: historic El Tovar Hotel

Grand Canyon view in the Canyon Room

1 El Tovar Road, Grand Canyon Village, AZ

Speakers: TBA



1:45pm Depart Grand Canyon for Flagstaff Airport via bus

4:47pm Depart Flagstaff Airport to Phoenix and then to DC via commercial airline

or

RON Flagstaff, AZ or Phoenix, AZ

Monday, March 12

*Optional return to DC via commercial airliner

For questions and contact—

WCF: Darrell Henry @ 202-487-8727 or info@westerncaucusfoundation.org

Rep. Gosar: Jeff Small @ 202-480-7931 or Jeff.Small@mail.house.gov

Attendance to all Foundation events limited to supporters and invited guests.

These events are planned to fully comply with Congressional Ethics Rules and Other Applicable Laws.

The Western Caucus Foundation (WCF) is a charitable and educational organization under Section 501(c)(3). Contributions are deductible to the extent allowed by law. It provides education and communications to policy makers and the public to further enhance and sustain the West's dynamic and unique culture.

Message

From: Ross, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38CAF91847DD4F95810C1F96D918871C-ROSS, MARGARET]
Sent: 2/28/2018 6:18:44 PM
To: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]
CC: Falvo, Nicholas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=424ac90ea7d8494a93209d14d37f2946-Falvo, Nich]; Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: FW: PCI group meeting

Hi Mr. Kelly and Nick,

Just wanted to give you an update. Please call me with any questions.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Best,
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: Fugh, Justina
Sent: Wednesday, February 28, 2018 10:56 AM
To: Wright, Garth <wright.garth@epa.gov>

Cc: Ross, Margaret <Ross.Margaret@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: RE: PCI group meeting

Hi Garth,

Margaret and I talked this morning

ethics team is very devoted!).

Ex. 6 - Personal Privacy

... your

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Ford, Hayley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4748A9029CF74453A20EE8AC9527830C-FORD, HAYLE]
Sent: 3/8/2018 2:35:47 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: RE: NRCC Chairman's Reception

Will ensure all of the below is followed. Thank you Justina.

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Fugh, Justina
Sent: Thursday, March 8, 2018 12:21 AM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: NRCC Chairman's Reception

Hi Hayley,

I am writing to confirm that E. Scott Pruitt may attend the NRCC Chairman's reception on Tuesday, March 20th in his personal capacity only. Please note that, if he attends, there has been a venue change due to some storm damage at the Willard. The new location is the Crystal Room, but still at the Willard Hotel. I have corresponded with Ms. Ada Furciniti, Finance Coordinator of the National Republican Congressional Committee, who confirmed the following:

- There will be between 150 and 200 attendees, including House Leadership, Members of Congress, and NRCC donors from Washington, DC and around the country who are members of the NRCC Chairman's Club. Brief remarks will be made by members of leadership but not Mr. Pruitt.
- This is not a fundraising event but rather a "thank you reception for ... donors who have made past contributions to the committee."
- None of the speakers will ask for donations, and there will not be a table or booth or other place set up for people to make donations.
- Mr. Pruitt's name will not be used in any promotional literature.
- If name tags are made available, Mr. Pruitt's will not include his EPA title or affiliation.

Based on these assurances, I conclude that Mr. Pruitt may attend the event in his personal capacity only. It is undeniably a political event, so he must be mindful of his obligations under the Hatch Act. Please be sure he is aware of these restrictions. He cannot use his EPA title or position in connection with attending this event. He cannot be involved in any political fundraising at all. He cannot accept any volunteer services from subordinate staff, even in their personal capacities. He may be accompanied by the security detail (who are performing their official protective duties) but not by any advance or staff personnel.

As part of your scheduling duties, you may confirm his attendance with Ms. Furciniti, but cannot otherwise assist. For example, if it is your regular routine to send thank you notes following an official appearance, please remember that you cannot do so in connection with a personal, political event. Please let me know whether he attends so that I can follow

up with the protective detail about how he gets there. If he is driven, I will want to ask the NRCC to pay the cost of driving him, which will be minimal.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Keith, Jennie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=79C2D25E4DFE45CEAF788A87F714CC0F-JKEITH]
Sent: 3/7/2018 7:01:03 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Ross, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38caf91847dd4f95810c1f96d918871c-Ross, Margaret]
Subject: AGENDA Item for Kevin/Elise
Attachments: PRUITT, Scott - 2018-03 Ethics Travel Form.pdf

Hi there,

Ex. 5 - Deliberative Process

Thanks!
Jennie for OGC/Ethics

From: Keith, Jennie
Sent: Wednesday, March 07, 2018 1:05 PM
To: Hupp, Millan <hupp.millan@epa.gov>
Cc: Davis, Gail <Davis.Gail@epa.gov>
Subject: RE: Sea Island....

Hi there,

Please see the attached ethics travel form and proof it for accuracy. Gail, I did not include meals because the registration fee covers that. Everything in the "in-cash" column is what EPA will seek a reimbursement for. Please also check to make sure my dates are correct.

Thanks!
Jennie for OGC/Ethics

From: Hupp, Millan
Sent: Wednesday, March 07, 2018 11:21 AM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: Sea Island....

You are correct. To my knowledge, no, he does not intend to do so.

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: 202.380.7561 Email: hupp.millan@epa.gov

From: Keith, Jennie
Sent: Wednesday, March 7, 2018 11:20 AM
To: Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: Sea Island....

Thanks, Millan.

So, I think I must be interpreting the word “breakout activities” differently from the host. When I see that word, I think of breakout sessions at a conference (you know, there are several topics offered at the same time, so they’re called breakout sessions because it’s not a plenary session). But, here, based on the emails, I interpret that this word means, “sports and recreation.” Is that correct? And does the Administrator plan on participating in any of those recreational activities?

Thanks!
Jennie for OGC/Ethics

From: Hupp, Millan
Sent: Wednesday, March 07, 2018 9:02 AM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>
Subject: RE: Sea Island....

Jennie – their answer below.

That is correct, he will not be required to pay for the breakout activities.

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: 202.380.7561 Email: hupp.millan@epa.gov

From: Keith, Jennie
Sent: Tuesday, March 6, 2018 9:23 PM
To: Davis, Gail <Davis.Gail@epa.gov>
Cc: Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: Sea Island....

Millan,

I just want to follow up one more time with the host. Could you please ask this specific question (or I’m happy to reach out):

- a. The host mentions that there is ample time for sports and recreation – I would want confirmation that those are additional activities (not included in the registration fee) and covered at the participants’ own expense.

For the ethics travel form, here's how it will break out:

AIRFARE, HOTEL, TMC FEES will be reimbursed back to EPA's bank account

Registration Fee is covered in-kind (and includes meals).

Thanks!

Jennie for OGC/Ethics

From: Davis, Gail

Sent: Tuesday, March 06, 2018 11:09 AM

To: Keith, Jennie <Keith.Jennie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Hupp, Millan <hupp.millan@epa.gov>

Subject: Sea Island....

The estimated total for the TA for this trip is **\$2157.73**

Airfare: \$1428.50

2 VIP TMC fees at: \$53.24 (changing tickets)

Hotel Tax: \$50.00

One night lodging: \$502.79 plus taxes

M&IE: (\$48.00 x 2)

Gail Davis

Travel Coordinator

Immediate Office of the Administrator

(w) 202 564 1444

© 202 329 4566

Rm. 3312C WJC Building

To: Keith, Jennie[Keith.Jennie@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
From: Davis, Gail
Sent: Wed 2/28/2018 8:42:51 PM
Subject: FW: (GEORGIA) Invitation: 2018 American Enterprise Institute World Forum

FYI

From: Hupp, Millan
Sent: Wednesday, February 28, 2018 2:43 PM
To: Davis, Gail <Davis.Gail@epa.gov>
Subject: RE: (GEORGIA) Invitation: 2018 American Enterprise Institute World Forum

And thank you.

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: 202.380.7561 Email: hupp.millan@epa.gov

From: Davis, Gail
Sent: Wednesday, February 28, 2018 2:43 PM
To: Hupp, Millan <hupp.millan@epa.gov>
Subject: Re: (GEORGIA) Invitation: 2018 American Enterprise Institute World Forum

Thank you Millan

Sent from my iPhone
On Feb 28, 2018, at 2:41 PM, Hupp, Millan <hupp.millan@epa.gov> wrote:

1. What all does the registration fee cover? The \$16,000 fee covers participation for the entire weekend including all sessions and meals. However, there is no fee for any speaker to attend.
2. Are the breakout activities covered in the registration fee or are those paid for by the individual traveler? All costs are covered.

Also, it doesn't appear that Mrs. Pruitt will attend.

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: 202.380.7561 Email: hupp.millan@epa.gov

From: Davis, Gail
Sent: Wednesday, February 28, 2018 12:03 PM
To: Hupp, Millan <hupp.millan@epa.gov>
Cc: Jenkins, Juanita <jenkins.juanita@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: FW: (GEORGIA) Invitation: 2018 American Enterprise Institute World Forum

Millan, this is what Jennie sent back to me. If you can get the answers below from the host, Jennie could tell us how to proceed. Thanks!

From: Keith, Jennie

Sent: Wednesday, February 28, 2018 11:27 AM
To: Davis, Gail <Davis.Gail@epa.gov>
Subject: (GEORGIA) Invitation: 2018 American Enterprise Institute World Forum

Gail,

I think there is contact/travel information in this invitation. We are accepting all. But, if you reach out to the host, please also ask these questions (see red text):

=====

Jennie,

1. Yes
2. Most likely, yes.
3. Will work on this.

Thank you,

Millan Hupp

Director for Scheduling and Advance

202.380.7561

hupp.millan@epa.gov

Sent from my iPhone

On Jan 29, 2018, at 2:00 PM, Keith, Jennie <Keith.Jennie@epa.gov> wrote:

Hi Millan,

This event is do-able and the travel is acceptable. I'm presuming the Administrator would speak on an issue related to official government duties.

For follow up, though, a couple questions:

- 1) Would the Administrator attend the entire event? If not, what is the scope of his attendance?
- 2) Would the Administrator's wife accompany him? (this is permissible, but would be a first; don't recall that the Administrator has brought a spouse to a multi-day event).
- 3) If EPA accepts the travel, then we would need clarification on the following:
 - a. Breakout of the costs associated with travel (EPA would record and itemize the expenses on the ethics travel form which is posted to the internet every six months or so by the Office of Government Ethics – in a report form). I would assume that the registration fee covers all meals and receptions, but would want confirmation of exactly what the registration fee covers
 - b. The host mentions that there is ample time for sports and recreation – I would want confirmation that those are additional activities (not included in the registration fee) and covered at the participants' own expense.

Once I know these details, I can formally memorialize the advice.

Thanks!

Jennie for OGC/Ethics

From: Hupp, Millan
Sent: Friday, January 26, 2018 1:14 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: FW: Invitation: 2018 American Enterprise Institute World Forum

Justina,

Please see the attached invitation. This is an event in which the Administrator would like to participate as a speaker. They have confirmed attendance by a handful of other Cabinet secretaries and their spouses. Furthermore, AEI is paying for the other secretaries and their spouses to attend as speakers.

Kindly let me know what you need from us in order to accept this invitation and their offer to cover the costs of travel and accommodations.

Thank you,

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: 202.380.7561 Email: hupp.millan@epa.gov

From: Bailey Barker [<mailto:Bailey.Barker@aei.org>]
Sent: Tuesday, January 16, 2018 4:36 PM
To: Hupp, Millan <hupp.millan@epa.gov>
Cc: John Cusey <John.Cusey@AEI.org>
Subject: Invitation: 2018 American Enterprise Institute World Forum

Good afternoon Millan,

I am writing to pass along an invitation from Arthur Brooks to Administrator Pruitt to speak at the 2018 American Enterprise Institute World Forum March 8-11, 2018, at Sea Island, Georgia. The AEI World Forum is an annual event held completely off-the-record and attracts top business and financial executives and entrepreneurs, as well as distinguished statesmen, scholars, and military leaders from around the world. The goal of the World Forum is to encourage frank and free-ranging discussions on a wide variety of topics. Attached is an invitation packet that includes some additional background information, a list of past participants, a sample agenda from the 2017 forum, and all details currently available for this year's conference.

We sincerely hope Administrator Pruitt is able to join us for the World Forum this March. Please let me know if you have any questions or need any additional information.

Thank you,
Bailey

<image001.png> **Bailey Barker**
> Government Relations
Program Manager
P: Ex. 6 - Personal Privacy
aei.org

Message

From: Wright, Garth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDD989C5F92F4222AD34E22F6FC8CC39-WRIGHT, GAR]
Sent: 2/28/2018 4:08:34 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Ross, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38caf91847dd4f95810c1f96d918871c-Ross, Margaret]; Griffo, Shannon [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c901eb2c3ba4556a4a581b8816d5a9a-Vallance, Shannon]
Subject: RE: PCI group meeting

Thank you, Justina. I'll pass this along to the program client.

From: Fugh, Justina
Sent: Wednesday, February 28, 2018 7:56 AM
To: Wright, Garth <wright.garth@epa.gov>
Cc: Ross, Margaret <Ross.Margaret@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: PCI group meeting

Hi Garth,
Margaret and I talked this morning (Ex. 6 - Personal Privacy .. your ethics team is very devoted!). (Ex. 5 - Deliberative Process)

Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Wright, Garth
Sent: Tuesday, February 27, 2018 7:34 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: PCI group meeting

Ex. 5 - Deliberative Process

Thanks for your help!

Garth

Garth Wright
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 6th Avenue, ORC-113
Seattle, WA 98101
Tel: 206-553-1104
Fax: 206-553-1762

-----Original Message-----

> On Feb 27, 2018, at 3:33 PM, Cora, Lori <Cora.Lori@epa.gov> wrote:

>

Ex. 5 - Deliberative Process

>

> _____
> Lori Houck Cora | Assistant Regional Counsel U.S. Environmental
> Protection Agency | Region 10
> P: (206) 553.1115 | F: (206) 553.1762 | cora.lori@epa.gov Follow
> @EPAnorthwest on Twitter! <https://twitter.com/EPAnorthwest>

>

> -----Original Message-----

> From: Bilbrey, Sheryl
> Sent: Tuesday, February 27, 2018 3:26 PM
> To: Hladick, Christopher <hladick.christopher@epa.gov>; Pirzadeh,
> Michelle <Pirzadeh.Michelle@epa.gov>
> Cc: Grandinetti, Cami <Grandinetti.Cami@epa.gov>; Stern, Allyn
> <Stern.Alynn@epa.gov>; Cora, Lori <Cora.Lori@epa.gov>
> Subject: PCI group meeting

>

> Hi Chris and Michelle

Ex. 5 - Deliberative Process

> Sheryl Bilbrey

> EPA Region 10

>

To: Keith, Jennie[Keith.Jennie@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Jenkins, Juanita[jenkins.juanita@epa.gov]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Davis, Gail
Sent: Wed 2/28/2018 3:55:16 PM
Subject: FW: Sea Island, GA: March 10-11

Millan I am forwarding to Jennie to see how we should proceed in making arrangements for the Administrator's trip (i.e., if the Organization should make it or if we should make them).

Hi Jennie, would you be able to tell us how to proceed in making the arrangements for this trip for the Administrator? Thanks!

From: Hupp, Millan
Sent: Wednesday, February 28, 2018 10:46 AM
To: Davis, Gail <Davis.Gail@epa.gov>; Jenkins, Juanita <jenkins.juanita@epa.gov>
Subject: Sea Island, GA: March 10-11

Gail/Juanita,

The Administrator will be headed to a conference in Sea Island, GA next weekend. Staff are not permitted to attend, only security. Additionally, they will be covering the Administrator's travel and lodging. This have been approved by ethics but we need to determine how best to accomplish this. I was thinking we book the flights then submit to the hosts and they reimburse but I defer to you.

With all that in mind, could we please pull flights for Saturday, March 10 traveling from DCA – BQK arriving around noon/midday? The return would be on Sunday, March, 11 back to DCA at around noon as well.

Thank you!

Millan Hupp
Director of Scheduling and Advance
Office of the Administrator
Cell: 202.380.7561 Email: hupp.millan@epa.gov

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Keith, Jennie
Sent: Wed 3/7/2018 12:27:06 AM
Subject: FW: National Mining Association- For Approval
Nationa Mining Association April 24, 2017 .docx

This was for an April event.	Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process	
	Jennie

From: Fugh, Justina
Sent: Wednesday, April 05, 2017 8:57 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: FW: National Mining Association- For Approval

Or this one?

From: Hupp, Sydney
Sent: Thursday, March 30, 2017 10:25 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Hupp, Millan <hupp.millan@epa.gov>
Subject: National Mining Association- For Approval

Thank you!

Sydney Hupp
Office of the Administrator- Scheduling
202.816.1659



ADMINISTRATOR PRUITT SPEAKER REQUEST FORM
U.S. Environmental Protection Agency

Deadline for Acceptance:	<u>[Publication or otherwise; please see details below]</u>
Event Title:	<u>National Mining Association Spring Board of Director Meeting</u>
Speech Date:	<u>Monday, April 24, 2017</u>
Is the Above Date Flexible:	<u>Confirmed by Sydney Hupp</u>
Speech Time & Duration:	<u>Discussed lunch remarks. Provided a window of Monday, April 24 11:30 a.m. – 2 p.m. To be finalized once travel confirmed</u>
Speaker Requested:	<u>Administrator Scott Pruitt</u>
Would You Consider a Surrogate:	<u>N/A</u>
Event Location:	<u>Ritz Carlton Golf Resort</u> <u>2600 Tiburon Drive, Naples, FL 34109</u> <u>239-593-2000</u> <u>Tiburon 3</u>
Open Press/Closed Press:	<u>Closed – No press at meeting</u>
Is Event Webcast/Recorded/Transcribed:	<u>No Webcast/Recorded/Transcribed</u>
Purpose of the Event:	<u>National Mining Association Spring Board of Directors Meeting – Board members comprised of CEOs from the major coal, metal and minerals, as well as manufacturers of mining equipment and technology.</u>
Speech Topic:	<u>At the front end of America’s supply chain – providing the raw materials and affordable energy required for a vibrant manufacturing sector – NMA’s members would be very interested to hear the administration’s plans to move an agenda that will address excessive regulations and incentivize job creation in the U.S.</u>
Requested Presentation Format:	<u>Luncheon Speaker</u>
Dress Code:	<u>Business</u>
Speech/Presentation Duration:	<u>20 – 25 minutes, followed by 10-15 minutes of Q&A</u>
Teleprompter Available:	<u>No</u>
Microphone / Room Setup:	<u>Room set with rounds, podium on low rider with podium microphone. If prefer lavalier mic or other speaking set-up, please advise.</u>
Event Sponsor:	<u>National Mining Association Board Meeting – Coeur Mining is luncheon sponsor</u>
Relationship to the EPA:	<u>None</u>
Event Agenda/Program:	<u>Board Meeting Luncheon – 11:30 a.m. – 2 p.m. Time will be confirmed once travel is confirmed for Administrator Pruitt</u>



ADMINISTRATOR PRUITT SPEAKER REQUEST FORM
U.S. Environmental Protection Agency

Honorable Guests Attending: N/A

Notable Federal, State or Local Appointed or Elected officials attending: N/A

Individual Introducing Administrator: To be determined

Person to contact for speechwriting purposes: Rich Nolan, Senior Vice President Government Affairs
rnolan@nma.org

Ex. 6 - Personal Privacy

Person to contact for media purposes: There will be no press. Please advise if contact is needed.
[Name/Title]
[Email]
[Office Number]
[Cell Number]

Origin of Invitation: Hal Quinn, President & CEO, National Mining Association
hquinn@nma.org

Ex. 6 - Personal Privacy

Day of Event Point of Contact: Moya Phelleps, Senior Vice President, Member Services
mphelleps@nma.org

Ex. 6 - Personal Privacy

Security Contact: Derek Burke, Director of Loss Prevention, Ritz Carlton Golf Resort, Naples
Derek.burke@ritzcarlton.com

Ex. 6 - Personal Privacy

Is the organization or host of the event a registered 501(c)(3), (4), or has a 527 Political Action Committee (PAC): NMA has two Federal PACs organized under Section 527 of the IRS Code. NMA PACS are not Super PACs.

Will there be a presentation of a "gift" to the Administrator?
No

If so, what is the US currency value of the gift?

Will a meal be provided, if so what is the US currency value?

Please return this form completed to scheduling@epa.gov and Sydney Hupp (hupp.sydney@epa.gov).

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 2/14/2018 11:54:00 PM
To: Minoli, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c9c0070d651a4625ac20258369f9b050-KMINOLI]
CC: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: RE: well, I have some better news now

Oh yes, for the tribe.

From: Minoli, Kevin
Sent: Wednesday, February 14, 2018 6:10 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: well, I have some better news now

Lee F's limited one for the hurricane. It was issued after the need had passed and so expired by its own terms.

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Feb 14, 2018, at 5:43 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I was only aware of two waivers for Jeff and Erik. Who's the third?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6 - Personal Privacy

On Feb 14, 2018, at 5:18 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Adding Ryan

Sent from my iPhone

On Feb 14, 2018, at 5:10 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Just got off the phone with OGE's Acting Director and their press contact. They now agree that they need to post the third waiver, and will do so. Their numbers now match ours.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US
EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton
Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina

Sent: Wednesday, February 14, 2018 1:45 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>

Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>

Subject: I answered my phone ... (maybe I should stop doing that)

.... and twice it's been reporters wanting to know about ethics clearance of waivers for Mr. Pruitt's travel. They refer to a recent Washington Post article that quotes you as saying that "ethics officials cleared the travel" or something like that. Well, oops, I say, I don't think that Ms. Bowman meant to say that the *ethics* office cleared that because we are involved only if there is the offer of third party payment for travel. But I've been clear that I'm not saying that anyone *failed* to get ethics clearance; rather, that no ethics clearance was necessary because those trips appear to be using appropriated dollars, which is not an ethics issue.

Then I got a call from someone at ProPublica who wants to know why there appears to be a discrepancy between the number of approved waivers from the Trump pledge for EPA employees (we say we have 3) but OGE has posted only two. The OGE press person seemed stumped, so they called me. Yikes!

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for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Minoli, Kevin
Sent: Wed 2/14/2018 11:11:38 PM
Subject: Thanks for following up! N/m Re: Liz called me and she's okay now

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Feb 14, 2018, at 5:20 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

She was confusing the travel "waiver" with the Trump pledge waiver.

From: Bowman, Liz
Sent: Wednesday, February 14, 2018 5:17 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Re: well, I have some better news now

I'm confused; Kevin/Justina can you call me?

Sent from my iPhone

On Feb 14, 2018, at 5:10 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Just got off the phone with OGE's Acting Director and their press contact. They now agree that they need to post the third waiver, and will do so. Their numbers now match ours.

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From: Fugh, Justina
Sent: Wednesday, February 14, 2018 1:45 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>
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Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 2/14/2018 7:58:46 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: RE: I answered my phone ... (maybe I should stop doing that)

Hi Justina-

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,
Kevin

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Fugh, Justina
Sent: Wednesday, February 14, 2018 1:45 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: I answered my phone ... (maybe I should stop doing that)

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Message

From: Lachlan Markay [lachlan.markay@thedailybeast.com]
Sent: 3/21/2018 1:26:44 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: Administrator travel issues

Hi Justina,

I'm a reporter with the Daily Beast, working on a story on the travel records for Administrator Pruitt released to the House Oversight Committee. I just had a few questions on ethics issues that I was hoping to discuss if you have a few minutes today. My cell is Ex. 6 - Personal Privacy you're up for a quick chat, totally off the record.

Thanks,

Lachlan

--

Lachlan Markay
The Daily Beast
Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Duross, Jeanne[Duross.Jeanne@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Leopold, Matt[Leopold.Matt@epa.gov]
From: Ford, Hayley
Sent: Tue 3/20/2018 9:19:35 PM
Subject: RE: UPDATE to our earlier advice about America First Policies

Also just want to update on his plans – the Administrator is now only attending the first official event and NOT the 2 political events. So that should make things easier. Thanks!

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Ford, Hayley
Sent: Tuesday, March 20, 2018 11:43 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: UPDATE to our earlier advice about America First Policies

Got it, thank you!

See attached for reimbursable agreement, Justina.

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Jackson, Ryan
Sent: Tuesday, March 20, 2018 11:39 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: UPDATE to our earlier advice about America First Policies

Thanks all.

From: Fugh, Justina
Sent: Tuesday, March 20, 2018 11:38 AM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: UPDATE to our earlier advice about America First Policies

Hi Hayley,

OGC/Ethics had earlier indicated to you that AMERICA FIRST POLICIES should be considered a partisan political group for the purposes of the Hatch Act. Ex. 5 - Deliberative Process given the fact that the organization is a 501(c)(4). Although the entity’s website does not indicate its specific non-profit status under 501(c), OGC/Ethics has since found other sources that identify AMERICA FIRST POLICIES as a 501(c)(4). Therefore, upon further review, we are revising our earlier advice. OGC/Ethics now concludes that the Administrator can attend the AMERICA FIRST POLICIES event in his official EPA capacity.

According to the Office of Special Counsel (OSC), the independent agency that oversees compliance with the Hatch Act, 501(c)(4) organizations should not be considered to be partisan political groups for purposes of the Hatch Act:

Partisan political groups or organizations” are committees, clubs, and other organizations that affiliate with a political party or candidate for political office in a partisan election. The term also includes committees, clubs, and other organizations that are organized for a partisan political purpose. 501(c)(4) organizations are organized to promote social welfare and may participate in some political activity on behalf of or in opposition to candidates for public office, provided such activity is not their primary activity. In light of their purpose, OSC has concluded that they are not partisan political groups for purposes of the Hatch Act.

So the Administrator can attend the AMERICA FIRST POLICIES event with the Vice President. But, as you indicated in your message, we will have to sort out the travel costs based on the hard time calculation. And please send me the reimbursement agreement so that I can include it in my files. Also, let’s coordinate on the other two events so that I can send the ground rules over to those partisan groups.

Thanks for your patience on this, Hayley!
justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Monday, March 19, 2018 5:29 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: FW: Ethics Approval: Events with VPOTUS

Hi Hayley,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

The rules for Mr. Pruitt are very different than those for the Vice President, who is not subject to the Hatch Act. For Mr. Pruitt to attend, he must do so only in his personal capacity, and the organization cannot refer to him in any way with reference to his official title or position. He cannot be introduced or appear on any brochure or email as the EPA Administrator.

Please see my comments on the email you sent. I’ve copied Jeanne Duross, an ethics attorney, for her information as she is picking up Hatch Act as an area of specialty in our group. I’ve attached the Hatch Act ground rules and other documents prepared by OGC/Ethics as a reminder to us all.

YOU WROTE: The Administrator has been invited to travel to Atlanta next Friday with the Vice President on Air Force 2 and attend the 3 attached events. One of the events (“2018-03-23 VP Event Proposal Atlanta, GA”) is an official tax reform event with no political or fundraising component.

Ex. 5 - Deliberative Process

The other 2 events attached (America First Action Roundtable & Georgia Republican Party dinner) are political events and I assume he would need to attend in his personal capacity. Can you review and give your guidance? If given clearance, he will attend these events.

JUSTINA: If he attends, it must be in his personal capacity only and absolutely cannot solicit, accept or receive any political contributions or engage in fundraising. Does he still want to attend? Let's coordinate so that I know when OGC/Ethics should write to Ann Pierce (America First Roundtable) and Carmen Bergman (Georgia Republican Party) with the Hatch Act ground rules.

The information below will be helpful in reviewing:

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- **America First Action Roundtable:** Small event, no formal speaking portion.
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- **POCs:** If you need to reach out to the event organizers, they are listed on the attached forms.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

JUSTINA: Let's coordinate.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ford, Hayley

Sent: Thursday, March 15, 2018 6:23 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>

Subject: Ethics Approval: Events with VPOTUS

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Thank you!

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Cc: Duross, Jeanne[Duross.Jeanne@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Leopold, Matt[Leopold.Matt@epa.gov]
From: Ford, Hayley
Sent: Tue 3/20/2018 3:43:15 PM
Subject: RE: UPDATE to our earlier advice about America First Policies
92493101 SOW.PDF

Got it, thank you!

See attached for reimbursable agreement, Justina.

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Environmental Protection Agency
ford.hayley@epa.gov
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JUSTINA:

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- **America First Action Roundtable:** Small event, no formal speaking portion.
- **Georgia Republican Party Dinner:** Large dinner, have offered a speaking role if he'd like one (very brief). If you could provide guidance both on him speaking vs. not speaking (would assume if he's cleared to, that he will want to speak).
- **POCs:** If you need to reach out to the event organizers, they are listed on the attached forms.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank you!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

Message

From: Gordon, Stephen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7C8FB4D82BFF4EEC98F5C5D00A47F554-GORDON, STE]
Sent: 2/27/2018 9:09:52 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]
Subject: Re: Upcoming AZ Trip

Awesome thank you!

On Feb 26, 2018, at 10:50 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

As this invitation includes several gifts associated with the trip, I'm going to ask Jennie Keith to take a look for you.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Gordon, Stephen
Sent: Monday, February 26, 2018 4:41 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Upcoming AZ Trip

Justina,

Would I be permitted to attend this event hosted by the Western Caucus Foundation?

Thanks so much!

-Stephen

Stephen L. Gordon Jr.
Deputy Director for Public Engagement
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1301
Gordon.Stephen@epa.gov

From: Bennett, Tate
Sent: Friday, February 23, 2018 6:44 PM
To: Gordon, Stephen <gordon.stephen@epa.gov>
Subject: Fwd: Upcoming AZ Trip

Ex. 5 - Deliberative Process

Begin forwarded message:

From: "Small, Jeff" <Jeff.Small@mail.house.gov>
To: "Rodrick, Christian" <rodrick.christian@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Ringel, Aaron" <ringel.aaron@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Graham, Amy" <graham.amy@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Block, Molly" <block.molly@epa.gov>, "Kelly, Albert" <kelly.albert@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Konkus, John" <konkus.john@epa.gov>
Cc: "Henry, Darrell" <dhenry@roqstrategies.com>, "Hanson, Tanner" <Tanner.Hanson@mail.house.gov>
Subject: RE: Upcoming AZ Trip

Christian, Tate, Aaron, Liz, Amy, Christian, Molly, Kelly, Mandy and John,

Happy Friday to you all.

By now you should have received the below invite from the Western Caucus Foundation. Darrell Henry from the Foundation is traveling for work so I am helping him do some follow-up.

Didn't see anyone from EPA on the RSVP list so wanted to reach out. We would appreciate you all considering sending any Department officials that you all think can make the trip and a person from Congressional Affairs.

Roundtable topics will include: America's Mineral Security, Reliable Water and Power, American Energy Dominance, Tribal Priorities, 21st Century Infrastructure and Federal Lands and Multiple-Use.

Final pitch: The trip will include a tour nearly 7,000 feet below the Earth's surface of Resolution Copper's Superior Mine and an aerial briefing and chartered bus tour of the Grand Canyon. Optional events include a fundraising reception to benefit the Western Caucus Foundation at the Angels vs. Cubs Spring Training Baseball Game as well as evening receptions in Phoenix and Flagstaff. The Foundation will also host a Policy Roundtable with Western Caucus Members and staff and more than 50 important Arizona and Western Caucus stakeholders.

The agenda has been approved by House Administration and House Ethics. Let us know if you have other questions.

Sincerely,

Jeff Small

*Executive Director | Congressional Western Caucus
Senior Advisor | Congressman Paul A. Gosar, D.D.S.*



ARIZONA WESTERN POLICY ROUNDTABLE & FIELD TOUR

Friday, March 9th – Sunday, March 11th

All Western Caucus Members, staff, agency officials and Caucus supporters are encouraged to attend. This is a great opportunity to crisscross Arizona, see important policy issues up close and soak up some Arizona sun watching America's favorite pastime.

Draft Agenda

Thursday, March 8

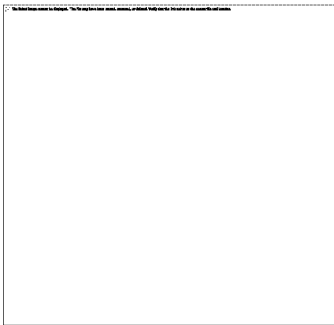
RON
Tempe, AZ

Location: AC Hotel by Marriott, 100 E. Rio Salado Pkwy,

Staff booking: click [HERE](#) (Pick Gov and military under Special

Rates. Book 8th-10th.)

Filling up fast. Room block has expired.



Friday, March 9

9:15 am -
11:45

Western Policy Roundtable

Location: Arizona State University

Community room, Devil's Oasis, at the Sun Devil Marketplace
(660 S. College Ave., Tempe, AZ 85281).

The room is located inside the ASU Bookstore on the second
floor.

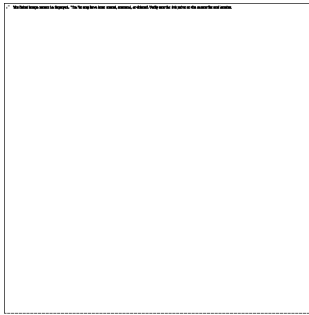
Policy Speaker:



of Reclamation – Invited

Brenda Burman, Bureau

Other Administration Officials – TBA



Roundtable Topics:

- <!--[if !supportLists]--><!--[endif]-->America's Mineral Security
- <!--[if !supportLists]--><!--[endif]-->Reliable Water and Power
- <!--[if !supportLists]--><!--[endif]-->American Energy Dominance
- <!--[if !supportLists]--><!--[endif]-->Tribal Priorities
- <!--[if !supportLists]--><!--[endif]-->21st Century Infrastructure
- <!--[if !supportLists]--><!--[endif]-->Federal Lands and Multiple-Use

1:00pm
Foundation

Fundraising reception to benefit the Western Caucus

At the Angels vs. Cubs Spring Training Baseball Game

Location: Sloan Park, "Wrigleyville West" 2330 W. Rio Salado
Pkwy, Mesa, AZ



* Members of Congress, Congressional staff and special guests are invited to attend fundraising reception as Foundation Guests.

7pm

Policy Keynote Speech and Dinner

Location: University Club, 39 E. Monte Vista Rd, Phoenix, AZ

Speaker: Western VIP TBA

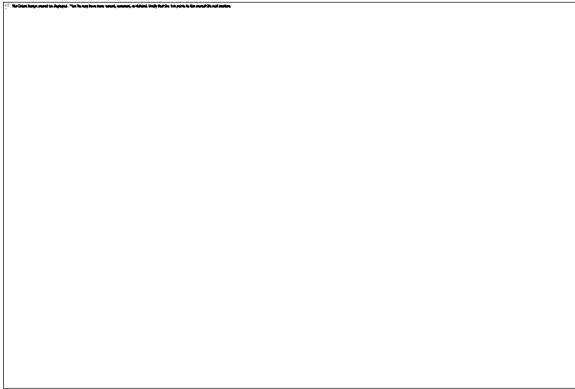
RON
Tempe, AZ

Location: AC Hotel by Marriott, 100 E. Rio Salado Pkwy,

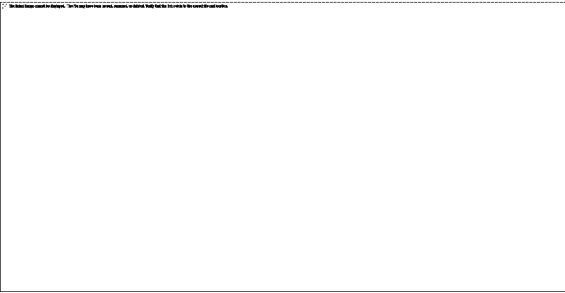
Book 8th-10th.)

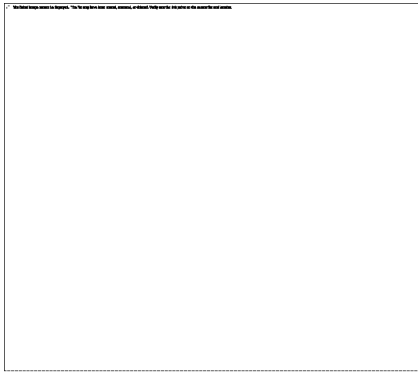
To book click [HERE](#) (Click Special Rates box - Gov and military.

Filling up fast. Room block has expired.



Saturday, March 10

- | | |
|---------|---|
| 8:00am | Depart hotel for all day field tour |
| 9:00am | Member and Staff for Field Tour of Resolution
Copper Superior Mine
Location: 402 W. Main Street, Superior, AZ |
| 12:30pm | Depart Resolution Copper
Sack lunch on the bus |
| 3:00pm | Briefing on Forestry and Management Issues
Location: Alcantara Vineyards
3445 S. Grapevine Way · Cottonwood, Arizona 86326 |
| |  |
| | (Wine
tasting or wine will be at own expense) |
| 4:00p.m | Depart for Flagstaff |
| 7pm | Reception
Location: TBA, Flagstaff, AZ |
| RON | The Little America Hotel (this hotel is now sold out)
2515 E. Butler Ave, Flagstaff, AZ
To book call 800-352-4386 - government rate ~\$122.05 |



More info at:

www.flagstaff.littleamerica.com

or

Drury Inn & Suites Flagstaff

300 South Milton Road Flagstaff, AZ 86001

Telephone: (928) 773-4900

Rate: \$166 inc breakfast

* Government staff should ask for gov rate, you may be able to get a better deal.

<https://www.druryhotels.com/bookandstay/newreservation/?groupno=2335082>

Sunday, March 11

8:00am Depart for tour of Grand Canyon National Park

9:30am Quiet technology briefing & aerial tour of the Grand Canyon



11:30am

Depart for bus

tour of Grand Canyon and policy briefing

Policy Briefing Topics

- `<!--[if !supportLists]--><!--[endif]-->`Federal Lands, Parks, and Monuments

12:30pm

Lunch and Briefing

Location: historic El Tovar Hotel

Grand Canyon view in the Canyon Room

1 El Tovar Road, Grand Canyon Village, AZ

Speakers: TBA

1:45pm Depart Grand Canyon for Flagstaff Airport via bus

4:47pm Depart Flagstaff Airport to Phoenix and then to DC via commercial airline

or

RON Flagstaff, AZ or Phoenix, AZ

Monday, March 12

*Optional return to DC via commercial airliner

For questions and contact—

WCF: Darrell Henry @ 202-487-8727 or info@westerncaucusfoundation.org

Rep. Gosar: Jeff Small @ 202-480-7931 or Jeff.Small@mail.house.gov

Attendance to all Foundation events limited to supporters and invited guests.

These events are planned to fully comply with Congressional Ethics Rules and Other Applicable Laws.

The Western Caucus Foundation (WCF) is a charitable and educational organization under Section 501(c)(3). Contributions are deductible to the extent allowed by law. It provides education and communications to policy makers and the public to further enhance and sustain the West's dynamic and unique culture.

To: Keith, Jennie[Keith.Jennie@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
From: Gleason, Michael
Sent: Wed 1/24/2018 8:59:43 PM
Subject: RE: **Ex. 5 - Deliberative Process**

I think we're good at this point – thanks!

Michael P. Gleason
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Keith, Jennie
Sent: Wednesday, January 24, 2018 1:41 PM
To: Gleason, Michael <Gleason.Michael@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process**

Hi there! Anything for me to do here? Looks like everything's discussed, correct? Jennie for OGC/Ethics

From: Gleason, Michael
Sent: Wednesday, January 24, 2018 10:44 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process**

That's helpful – thanks for the clarification.

Michael P. Gleason
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Fugh, Justina
Sent: Wednesday, January 24, 2018 8:38 AM
To: Gleason, Michael <Gleason.Michael@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process**

Mike,

Ex. 5 - Deliberative Process

Justina

From: Gleason, Michael
Sent: Wednesday, January 24, 2018 10:31 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process**

Thanks Justina.

Ex. 5 - Deliberative Process

No rush now, but would appreciate your thoughts.

Thanks.

Michael P. Gleason
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Fugh, Justina
Sent: Tuesday, January 23, 2018 3:08 PM
To: Gleason, Michael <Gleason.Michael@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process**

Hi Mike,
Ex. 6 - Personal Privacy Thanks for asking!

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Ex. 5 - Deliberative Process

From: Gleason, Michael
Sent: Tuesday, January 23, 2018 1:16 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: FW: **Ex. 5 - Deliberative Process**

Justina **Ex. 6 - Personal Privacy** and Jennie,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks for your counsel on this.

Michael P. Gleason
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Fugh, Justina
Sent: Monday, January 22, 2018 5:08 PM
To: Gleason, Michael <Gleason.Michael@epa.gov>
Cc: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process**

Maybe Jennie is in a better place to help you ... she reviews all invitations for the Administrator. If not, then I will be in the office for the rest of the week

Ex. 6 - Personal Privacy

From: Gleason, Michael

Sent: Monday, January 22, 2018 7:00 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: FW: **Ex. 5 - Deliberative Process**

Hi Justina,

Do you have any time to discuss the invitation to the RA discussed in the email chain below? We're still gathering information from the sponsors.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Are you able to discuss?

Thanks Justina.

Michael P. Gleason

Associate Regional Counsel

U.S. Environmental Protection Agency, Region 8

1595 Wynkoop Street

Denver, CO 80202-1129

(303) 312-6898

From: Gleason, Michael

Sent: Wednesday, January 17, 2018 7:23 AM

To: Benevento, Douglas <benevento.douglas@epa.gov>

Cc: Moon, Diane <Moon.Diane@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>

Subject: RE: **Ex. 5 - Deliberative Process**

Doug, yes you can forward these on for answers,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Let me know if I can be of further help.

Thanks.

Michael P. Gleason

Associate Regional Counsel

U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Benevento, Douglas
Sent: Tuesday, January 16, 2018 4:53 PM
To: Gleason, Michael <Gleason.Michael@epa.gov>
Cc: Moon, Diane <Moon.Diane@epa.gov>
Subject: FW: **Ex. 5 - Deliberative Process**

Mike I'll send answers back quickly. Can I forward this on to the event sponsors for some of more detailed questions? Thanks for looking into this for me.

Doug

From: Moon, Diane
Sent: Tuesday, January 16, 2018 3:36 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Haniewicz, Melissa <Haniewicz.Melissa@epa.gov>
Subject: FW: **Ex. 5 - Deliberative Process**

Doug,

I was not aware Mike Gleason was not present for the call last Friday with CEWI. He had several ethics related questions that were not resolved.

These issues must be resolved before you head for Steamboat. I'm still working from home but Mike needs answers before he can sign off on the event.

*Diane Rene Moon
Staff Assistant to the Regional Administrator
Office of the Regional Administrator
1595 Wynkoop Street, MS-8RA
Denver, Colorado 80202
(303) 312-6532
moon.diane@epa.gov*

From: Gleason, Michael
Sent: Tuesday, January 16, 2018 9:36 AM
To: Haniewicz, Melissa <Haniewicz.Melissa@epa.gov>
Cc: Moon, Diane <Moon.Diane@epa.gov>
Subject: FW: CEWI Follow up

Hi Missy,

As I mentioned, I did not attend the call that Doug had with the CEWI organizer. Here are my questions, based on the events mentioned in the email:

1. Jan. 31 – Bill Richardson dinner
 - a. Does Doug plan to attend, if no ethics concerns? (in other words, do I need to look into this one?)
 - b. Who are the sponsors of this event (i.e. who's paying for his dinner)?
 - i. Note: if sponsors include registered lobbyists, Doug will not be allowed to accept pursuant to the Trump Ethics pledge.
 - c. Who are the attendees?
 - d. How many attendees?
 - e. Estimated value of this dinner event (I assume it's well over the de minimis \$20 gift exception)

f. Note: these questions go to determining whether acceptance of this gift is allowable under a gift exception, such as the Widely Attended Gathering exception at 5 CFR 2635.204(g).

1. Feb. 1 main session
 - a. Is Doug invited to attend the entire conference on Feb. 1, or just his talk?
 - b. What meals are being offered?
 - c. Who are the sponsors (who's paying)?
2. Feb. 1 small dinner gathering
 - a. Does Doug want to attend if no ethics concerns?
 - b. Who are the sponsors (i.e. who's paying for the dinner)?
 - c. Who are the ~10 attendees? (is Xcel one of them?)
 - d. What is the approximate value of the dinner?
3. Feb. 2 keynote by Sen. Gardner
 - a. Does Doug want to attend if no ethics concerns?
 - b. Who are the sponsors?
 - c. Is the invitation for attendance to all events on Feb. 2, or just the Gardner keynote at 1:30 p.m.?
 - d. Does the invitation include lunch or any other meals?
4. Are there any other gifts being offered by the sponsors? If so, what?

I do not see a problem with Doug accepting free attendance (including meals) to the main conference sessions on February 1 when he is presenting on behalf of EPA. Free attendance to an event on a day a federal employee is presenting is covered by a gift exclusion. But, it's not as clear whether a gift exception applies to the other parts of this, i.e., the Richardson event on 1/31, the exclusive small dinner gathering on 2/1, and the 2/2 event. Answers to the questions above will assist in the analysis.

Thanks.

Michael P. Gleason
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: chansen@cewi.org [<mailto:chansen@cewi.org>]
Sent: Monday, January 15, 2018 11:29 AM
To: Moon, Diane <Moon.Diane@epa.gov>
Cc: 'Larry Holdren' <lholdren@cewi.org>; 'Kaylee Brennand' <kbrennand@cewi.org>
Subject: RE: CEWI Follow up

Diane,

I spoke with Doug on Friday and wanted to send an email to confirm the details we discussed:

Thank you so much for accepting the invitation to participate at CEWI in Steamboat on Feb 1. We would like to feature Doug on a plenary panel from 10:30-11:10. TJ Deora will plan to moderate the session and would like you to give about 5-7 min of opening remarks followed by about 25 min of prepared questions from TJ and then audience submitted questions via written cards. The proposed topic for the panel is New Administration and New Priorities for the EPA. Please let me know the specific areas that you would like to discuss. We would also like to feature Doug at a small dinner gathering on the night of Feb 1. He would be the guest of honor with about 10 other CEWI participants for an informal discussion of the EPA portfolio of programs and the future direction of the agency. This will be hosted by Larry Holdren from CEWI.

Below is the full program for your reference. We would love to have you join us for dinner with Bill Richardson the night before and the closing keynote with Sen Gardner on Feb 2, just let me know what your travel logistics look like and we will plan accordingly.

All my best,

Chris

		R			Speakers				
Time	Session	Topic	Room	Chair/Moderator	1	2	3	4	reserve
WEDNESDAY									
TBD	Registration		Korbel Foyer						
4:30	Leadership Circle Reception and Welcome		Basecamp						
5:00	Opening Reception		Basecamp	Presented by Microsoft					
6:00	Gondola Loading Begins		Gondola						
7:00	Opening Keynote Fireside Chat		Champagne Ballroom (on mtn)	Chris Hansen, CEWI	Bill Richardson, Former Energy Secretary and New Mexico Governor		Rob Perlman, CEO, Steamboat Resort (intro/welcome)		
7:30		Entree Served							
8:15		Fireside Chat with Governor Bill Richardson							
9:30	Nightcap		Grand TBD	Embassy of Canada					
THURSDAY									
7:30	Breakfast Sessions								
	1	License to Operate and Public Backlash	Spring I	George Sparks (DMNS)	William Collins (Occidental)	Brian Miller (Noble)	Celesta Miracle (PDC)		
	2	Energy Innovation Showcase	Spring II	Ryan Smith (Zoma Capital)	Walker Dimmig (NET Power)	Paul Zoby (AEA)	TBD (Mammoth Trading)		
	3	Securing Water & Energy Infrastructure	Korbel III	Larry Holdren (CEWI)	Etan Goldstein (Seimens)				
9:00	Opening								

	Plenary								
		Power Sector Transition in North America	Korbel I/II combo	Chris Hansen, CEWI	David Eves (Xcel)	Mike McInnes (Tri-State)	Vance Crocker (BHE)	Ron Darnell (PNM)	
10:10	Coffee Break								
	Strategic Dialogues #1								
10:30	1	Western Energy and Federal Rules	Korbel I/II combo	TJ Deora (SEPA)	Doug Benevento (Reg 8 EPA)				
11:10	2	Creating “Deep” Water Markets in the West		Ted Kowalski (Walton Found.)	Mark Harris (Grand Valley Water Assoc)	Reece Tisdale (Bluefield)	Todd Doherty (Western Water Partnerships)	Michael Connor (Wilmer)	
12:00	Luncheon Keynote								
		From the Margin to the Majority	Korbel I/II combo	Chris Hansen, CEWI	Martin Keller (NREL Director)				
1:45	Strategic Dialogues #2								
	1	Water Use & Management: Next Frontiers	Spring I	Tom Ahern (Five Corners)	Erik Anglund (Anadarko)	Tzahi Cath (CSM)	Robin Newmark (NREL)		
	2	Power Storage: Ready for Takeoff?	Spring II	Ben Finzel (ReNewPR)	Martha Symko-Davies (NREL)	JW Postal (Nikola Energy)	Bob Rudd (Tesla)		
	3	Regulatory and Tax Changes: Impact on Energy Firms	Korbel III	Dirk McDermott (Altira)	TBD (NASDAQ)	Robert Conner (BKD)			
2:45	Coffee Break		Korbel Foyer						
3:15	Strategic Dialogues #3								
	1	Changing Power	Spring I	Martin Keller (NREL Director)	TJ Deora (SEPA)	John Fernandes	Ty Daul (Recurrent	TBD (EDF)	

		Generation Economics Reshape Expectations				(Invenergy)	Energy)		
	2	Methane Emissions & Oil and Gas	Spring II	Lem Smith (SPB)	Dan Grossman (EDF)	Howard Dieter (Jonah Energy)	Michael Connor (Wilmer)		
	3	Managing Water under Climate Scenarios	Korbel III	Ted Kowalski (Walton Found.)	Andy Mueller (CO Water Con. Dist)	Anne Castle (CU)	Vern Tharp (NCAR/UCAR)		
4:15	Break		Korbel Foyer						
4:30	Reception	Resource Rich Colorado	Basecamp	Presented by the Metro Denver EDC's Colorado Energy Coalition					
6:30	Dinners* note start times will be staggered		*locations to be later assigned						
	1	The Future of Water Markets and Conservation	<i>Ragnars (45 ppl)</i>	Chris Hansen (CEWI)	Jim Lochhead (Denver Water)	Eric Wilkinson (Northern Water)			
	2	NAFTA Renegotiation and Energy Markets	<i>Hazie's (60 ppl)</i>		Gitane De Silva (Alberta Sr Rep)	James Jones (Monarch)	Cesar Hernandez, Mexico		
	3		<i>4 Points (13 ppl)</i>	Larry Holdren (CEWI)	Doug Benevento (Reg 8 EPA)				
9:00	Nightcap		Grand TBD	presented by SPB					
FRIDAY									
8:00	Breakfast Sessions								
	1	Wastewater Treatment and Safe Disposal	Spring I	Erik Anglund (Anadarko)	Jason Chan (Waste Management)	Adell Heneghan (PDC Energy)	Tzahi Cath (CSM)		
	2	Oil & Natural	Spring II	TBD (NASDAQ)	Dirk	Julian Fisher	TBD (Hitachi)		

		Gas Innovation Showcase			McDermott (Altira)	(Aetheon Energy)			
	3	Pacific Basin LNG: Opportunities for Western Gas	Korbel III	Jamie Webster (BCG)	Laura Nelson (Utah)	Kathleen Stacks (CO)	Tracee Bentley (API)		
9:30	Opening Plenary		Korbel I/II combo						
		Oil & Gas Market Outlook: Is it time for the bulls?		Chris Hansen (CEWI)	Jamie Webster (BCG)				
10:30	Coffee Break		Korbel Foyer						
11:00	Strategic Dialogues #1								
	1	After Paris: What's Next on Climate?	Spring I	Gitane De Silva (Alberta Sr Rep)	Chris Arndt (Clean Power Majority)	Megan Ceronsky (Fmr Obama Climate Office)	Nancy Meyer (C2ES)		
	2	The Future of Power Coops and Munis in the West	Spring II	Jennifer Drake (Prototerra)	Diane Johnson (Yampa Valley EA)	Eric Tharp (Colorado Springs Utilities)	Alyssa Clemens Roberts (PRPA)		
	3	Technology Convergence & Disruption: Autonomous Electric Vehicles & Heat Pumps	Korbel III	Chris Hansen (CEWI)	Rena Davis (Lyft)	Chris Clack (Vibrant)	TBD (EDF)		
12:00	Luncheon Plenary Discussion								
		Reshaping of the Western Grid	Korbel I/II combo	Chris Hansen (CEWI)	Mike Ross (SPP)	Doug Howe (EIM)	Jeff Ackermann, CO PUC	Laura Nelson (Utah)	
1:30	Closing Keynote		Korbel I/II combo	US Senator Cory Gardner (CO)					

	Address								
3:00	Leadership Circle Debrief & Planning Session		Saddle Creek						

Message

From: Griffo, Shannon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C901EB2C3BA4556A4A581B8816D5A9A-VALLANCE, SHANNON]
Sent: 10/30/2017 7:00:02 PM
To: Gleason, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=96bc79d699e64c21bf4e4d524a10bf4c-Gleason, Michael]
CC: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: RE: Upcoming Meetings
Attachments: Cosmo Servidio recusal statement 10_19_17.docx; Pete Lopez recusal statement 10_26_17.docx; Erik Baptist signed recusal 10_12_17.pdf; Byron Brown recusal 9_26_17.docx; Justin Schwab signed recusal 08_07_17.pdf

We will definitely keep you posted on any new developments.

Attached are some examples of recent recusals.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Gleason, Michael
Sent: Thursday, October 26, 2017 4:06 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Upcoming Meetings

Hi Shannon,

Thanks for the update.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sure, I could do the draft recusal. And yes, I'd appreciate some examples.

Thanks.

Michael P. Gleason
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Griffo, Shannon
Sent: Thursday, October 26, 2017 1:38 PM
To: Gleason, Michael <Gleason.Michael@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Upcoming Meetings

Hi Mike,

Ex. 5 - Deliberative Process

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Gleason, Michael
Sent: Thursday, October 19, 2017 1:58 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Upcoming Meetings

Thanks Shannon – very helpful.

Ex. 5 - Deliberative Process

Thanks.

Michael P. Gleason
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Griffo, Shannon
Sent: Thursday, October 19, 2017 11:17 AM
To: Gleason, Michael <Gleason.Michael@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Upcoming Meetings

Hi Mike,

Sorry for the delay in responding to your recent emails. It's been another crazy few days here, and our "ethical genius" has been out of the office part of this week. ☺

I think your general approach described in your October 17th email sounds good to me. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

You can go ahead and remind Doug to sign his Ethics Pledge. Feel free to send us the original for his file. Although if he wants to keep it, we are good with just an electronic copy here. Other Regions are sending us the originals while another RA wanted to keep his.

Hope this helps!

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Gleason, Michael
Sent: Thursday, October 19, 2017 9:29 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Upcoming Meetings

Hi Justina and Shannon,

Ex. 5 - Deliberative Process

Oh, one last thing: I haven't received Doug's signed Ethics Pledge yet. Do you want to remind him, or should I? And when I get it, I assume I send you the original for his Ethics file.

Thank you.

Michael P. Gleason
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Gleason, Michael
Sent: Tuesday, October 17, 2017 8:16 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: FW: Upcoming Meetings

Hi Justina and Shannon,

Ex. 5 - Deliberative Process

Let me know if this general approach sounds good or if you have any further guidance for me as I vet meeting invitations.

Ex. 5 - Deliberative Process

I appreciate any further guidance as I know you're very busy these days.

Thank you!

Oh, p.s., I gave a supervisory ethics training yesterday and opened by asking folks to name "Ethical Geniuses" – people like Aristotle, Confucius, Moses, etc. You should be proud to know that the only response I got was: Justina Fugh.

Michael P. Gleason
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Gleason, Michael
Sent: Monday, October 16, 2017 5:23 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>

Cc: Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Moon, Diane <Moon.Diane@epa.gov>

Subject: RE: Upcoming Meetings

Doug,

In brief, I do not see an ethics conflict problem in your participation at the proposed meetings with the Colorado Springs Housing and Building Authority and Noble Energy.

Colorado Springs Housing and Building Authority (CSHBA) Meeting:

- Diane Moon forwarded additional information about the CSHBA meeting (attached). The meeting appears to be focused on regulation and permitting under Clean Water Act §404 (wetlands) and §402 (storm water). Based on the information I received, it does not appear that the meeting will focus on your conflicted sectors (utilities, natural gas distribution, or alternative energy).
- Thus, I do not see an ethics conflict problem if you meet with CSHBA about the stated Clean Water Act issues, or other issues unrelated to your conflicted sectors.
- Note that you also may enjoy the provided meal (breakfast), if you so choose. The meal is not a prohibited "gift" because you are attending in order to present information on behalf of the agency (this is a defined gift exclusion at 5 CFR §2635.203(b)(8)).

Noble Energy Meeting:

- As I understand, Noble Energy engages in oil and gas extraction and production activities. But Noble's business does not include your conflicted sectors: utilities; natural gas distribution; or alternative energy.
- Therefore, I do not see an ethics conflict problem in your attending a meeting to introduce you to Noble Energy officials.
- It does not appear that there are any gift issues associated with this meeting. I note that Noble Energy is a registered lobbyist, and thus you are prohibited under the Trump Ethics pledge from accepting gifts from Noble. Let me know if you receive further information indicating possible a possible gift issue.

Reminder: As we discussed with Justina Fugh this morning, until your divestiture of Xcel stock is complete, you should not participate in EPA particular matters involving Xcel or involving the following sectors in which Xcel operates: utilities; natural gas distribution; and alternative energy. Particular matters include specific party matters and matters of general applicability such as rulemaking and policy-making. Thus, although I do not see a conflict issue based on the descriptions of the meetings above, be aware that conflict problems could arise if discussions turn to policy-making or rulemaking involving the conflicted sectors.

Let me know if you have any further questions.

Thanks.

Michael P. Gleason
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6898

From: Benevento, Douglas

Sent: Monday, October 16, 2017 3:02 PM

To: Gleason, Michael <Gleason.Michael@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Moon, Diane <Moon.Diane@epa.gov>

Subject: Upcoming Meetings

Below are the meetings that I currently have pending. I want to make certain that Michael and K.C. are aware of them so you can advise me on my participation.

Ex. 5 - Deliberative Process

If you have questions or concerns please let me know.

Thanks,

Doug



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Erik Baptist *Erik Baptist (10/12/17)*
Senior Deputy General Counsel

TO: Kevin S. Minoli
Acting General Counsel
Designated Agency Ethics Official

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I confirm that I am recused from participating personally and substantially in any particular matter that that would have a direct and predictable effect on the **George Washington University Law School Alumni Association** (given my fiduciary position) or with **Alphabet Inc. (Google)**, and **US Bancorp**. Although OGC/Ethics advises that conflicts are unlikely to arise, I understand that I am prohibited from participating personally and substantially in any particular matter that affects these entities as a specific party or as a member of an affected class, including any particular matter of general applicability that is focused on the **internet**

technology or the banking sectors.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, the **American Petroleum Institute (API)**, or any former client to whom I provided legal services during the past two years is a party or represents a party. I understand that my recusal from particular matters involving API as a specific party lasts until June 18, 2019, which is two years from the date that I joined federal service. Attached is a list of cases involving the API that I will not participate in during this two-year period.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties.

Pursuant to Section 1, Paragraph 7 of the Executive Order, since I was a registered lobbyist during the past two years, I understand that I am also prohibited from participating in any particular matter on which I lobbied within the previous two years and prohibited from participating in the specific issue area in which that particular matter falls, unless I obtain a waiver pursuant to Section 3 of the Executive Order. I understand that this recusal lasts for two years from the date that I joined federal service. Within the previous two years, I lobbied Congress on the Renewable Fuel Standards program, including the renewable fuel percentage standards issued pursuant to Section 211(o) of the Clean Air Act, 42 U.S.C. § 7545(o). I was advised that I must recuse from this particular matter of general applicability and specific issue area, and I did so until the Counsel to the President granted me a limited waiver of the provisions of Paragraph 7 on August 25, 2017. I understand that I am now authorized to participate personally and substantially in matters regarding the Renewable Fuel Standards program.

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. Attached is a list of cases I am recused from given my participation while at the API.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above or matters identified in the Attachments, I will instruct David Fotouhi, Deputy General Counsel, and Rich Albores, Associate Deputy General Counsel, to assist in screening EPA

matters directed to my attention that involve those entities or sectors. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics. I will also instruct my principal subordinates that all inquiries and comments involving the matters on my recusal lists should be directed to Messrs. Fotouhi and Albores without my knowledge or involvement until after my recusal period ends.

If Mr. Fotouhi or Mr. Albores determines that a particular matter will directly involve the API, the George Washington University Law School Alumni Association, Alphabet Inc. (Google), or US Bancorp, then he will refer it for action or assignment to another, without my knowledge or involvement. If he identifies a particular matter of general applicability that is focused on the interests of any of the individual sectors on my recusal list, then he will refer it for action or assignment to another, without my knowledge or involvement. In the event that he is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

Attachments

cc: Elise Packard, Acting Principal Deputy General Counsel
David Fotouhi, Deputy General Counsel
Justin Schwab, Deputy General Counsel
Richard L. Albores, Associate Deputy General Counsel
OGC Associate General Counsels and Directors
Justina Fugh, Senior Counsel for Ethics
Regional Counsels

Erik Baptist
 RECUSAL LIST – EXECUTIVE ORDER 13,770
 In effect until June 18, 2019

FORMER EMPLOYER: American Petroleum Institute

CASE NAME:	CITATION:
Coffeyville Resources Refining & Marketing, LLC, <i>et al.</i> v. EPA	No. 17-1044 (D.C. Cir.)
State of New Jersey v. EPA	No. 08-1065 (D.C. Cir.)
American Petroleum Institute, <i>et al.</i> v. EPA	No. 11-1309 (D.C. Cir.)
Sierra Club, <i>et al.</i> v. EPA	No. 13-1262 (D.C. Cir.)
Powder River Basin Resource Council, <i>et al.</i> v. EPA ¹	No. 14-9530 (10th Cir.)
American Petroleum Institute v. EPA	No. 15-1197 (D.C. Cir.)
Murray Energy Corporation v. EPA	No. 15-1385 (D.C. Cir.)
Walter Coke, Inc., <i>et al.</i> v. EPA	No. 15-1166 (D.C. Cir.)
National Resource Defense Council, <i>et al.</i> v. EPA	No. 16-1413 (D.C. Cir.)
National Environmental Development Association's Clean Air Project v. EPA	No. 16-1344 (D.C. Cir.)
American Chemistry Council, <i>et al.</i> v. EPA	No. 17-1085 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 09-1038 (D.C. Cir.)
American Chemistry Council, <i>et al.</i> v. EPA	No. 17-1064 (D.C. Cir.)
Murray Energy, <i>et al.</i> v. EPA	No. 15-3751 (6th Cir.)
Sierra Club, <i>et al.</i> v. EPA	No. 03-1435 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 08-1124 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 08-1277 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 12-1405 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 13-1108 (D.C. Cir.)
American Fuel & Petrochemical, <i>et al.</i> v. EPA	No. 16-1033 (D.C. Cir.)
Air Alliance Houston, <i>et al.</i> v. EPA	No. 17-1155 (D.C. Cir.)

¹ API filed an amicus brief on behalf of EPA's decision to approve Wyoming's State Implementation Plan. Although API was not a party to the litigation itself, I will not participate in this case.

Erik Baptist RECUSAL LIST – ATTORNEY BAR OBLIGATIONS	
CASE NAME:	CITATION:
Coffeyville Resources Refining & Marketing, LLC, <i>et al.</i> v. EPA	No. 17-1044 (D.C. Cir.)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

AUG 7 - 2017

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Justin Schwab
Deputy General Counsel

TO: Kevin S. Minoli
Acting General Counsel
Designated Agency Ethics Official

A handwritten signature in black ink, appearing to read "Justin Schwab".

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum updates my earlier recusal by specifying my former clients, but I have been complying and will continue to comply with my continuing obligations to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. Because of the current level of my financial ownership, I am disqualified from participating personally and substantially in any particular matter that affects **Microsoft** as a specific party.

OBLIGATIONS UNDER EXECUTIVE ORDER 13,770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my

former employer, **Baker and Hostetler LLP**, or any former client to whom I provided legal services during the past two years is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties. Set forth below are my former clients identified in consultation with OGC/Ethics that have or may have environmental interests that could potentially arise with respect to my duties here at EPA.¹

RECUSAL LIST	
In effect until January 23, 2019	
FORMER EMPLOYER: Baker and Hostetler LLP	
<p>FORMER CLIENTS:</p> <p>AK Steel Corporation American Bureau of Shipping American Fuel & Petrochemical Manufacturers Arcelormittal Usa LLC Association of Battery Recyclers Big River Steel, LLC Broadwood Investment Holdings, LP Cape Wind Associates, LLC Caterpillar, Inc. Cato Institute Chevron U.S.A. Inc. Colgate-Palmolive Company Competitive Enterprise Institute C.R. Bard, Inc. Grupo Ferré Rangel JTEKT North America Corporation Mississippi Silicon, LLC</p>	<p>NYK Line North America, Inc. Oldcastle Materials, Inc. Pentair Residential Filtration, LLC Resolute Forest Products Inc. Salt River Pima-Maricopa Indian Community Sanders Lead Company, Inc. Shamrock Foods Company State Government Leadership Foundation Sunoco, Inc. The Aluminum Association, Inc. The Center for Consumer Freedom The National Center for Public Policy Research The Scotts Company, LLC The Southern Company Trafigura Trading LLC United States Beet Sugar Association Valero Renewable Fuels Company, LLC</p>

¹ For my former clients that are not listed, I understand that I am personally obliged not to participate in specific party matters for the duration of my ethics obligations.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

I am advised by OGC/Ethics that Executive Order 13770 defines “former employer” to exclude state government,² and the Office of Government Ethics has determined that the same exclusion applies to the definition of “former client.”³ But as an executive branch employee, I understand that I am also subject to the federal impartiality standards and have a one-year cooling off period with any former client who is a state government. Therefore, I will not participate personally and substantially in any particular matter involving specific parties in which the **State of Oklahoma** or the **Virginia House of Delegates** is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). For federal ethics purposes, I understand that my recusal remains in effect for one year from the date that I last provided services to that client, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking. My recusal will end with regard to the State of Oklahoma on September 23, 2017, and with regard to the Virginia House of Delegates on August 31, 2017.

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct David Fotouhi, Deputy General Counsel, and Richard Albores, Associate Deputy General Counsel, to assist in screening EPA matters directed to my attention that involve these entities. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics. I will also instruct my principal subordinates that all inquiries and comments involving the entities on my recusal list should be directed to Justin and Rich without my knowledge or involvement until after my recusal period ends.

If Mr. Fotouhi or Mr. Albores determine that a particular matter will directly involve any of the entities listed on my “specific party” recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with

² See Exec. Order 13,770, Section 2(j), which provides that “‘former employer’ does not include ... State government.”

³ See Office of Government Ethics Legal Advisory 17-02 (February 6, 2017), which states that, “[w]ith respect to Executive Order 13770, ethics officials and employees may continue to rely on OGE’s prior guidance regarding Executive Order 13490 to the extent that such guidance addresses language common to both orders,” and Office of Government Ethics Legal Advisory DO-09-011 (March 26, 2009), which states that “based on discussions with the White House Counsel’s office, OGE has determined that the definition of former client is intended to exclude the same governmental entities as those excluded from the definition of former employer.”

OGC/Ethics for a determination.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC, including OGC/Ethics.

cc: Elise Packard, Acting Principal Deputy General Counsel
Erik Baptist, Senior Deputy General Counsel
David Fotouhi, Deputy General Counsel
Richard L. Albores, Associate Deputy General Counsel
OGC Associate General Counsels and Directors
Justina Fugh, Senior Counsel for Ethics
Regional Counsels

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Jenkins, Juanita[jenkins.juanita@epa.gov]
From: Davis, Gail
Sent: Thur 9/21/2017 12:07:58 PM
Subject: Re: answer to your question

Thanks Justina

Sent from my iPhone

On Sep 20, 2017, at 6:30 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi,

Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North,
William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) |
phone 202-564-1786 | fax 202-564-1772

From: Keith, Jennie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=79C2D25E4DFE45CEAF788A87F714CC0F-JKEITH]
Sent: 11/21/2017 8:49:31 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; Duross, Jeanne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1771ddaf869f40998535d410e5b1a93e-Jduross]
Subject: RE: Administrator's Tweet on the Museum of the Bible

Ex. 5 - Deliberative Process

From: Fugh, Justina
Sent: Tuesday, November 21, 2017 3:45 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: RE: Administrator's Tweet on the Museum of the Bible

Ex. 5 - Deliberative Process

From: Keith, Jennie
Sent: Tuesday, November 21, 2017 3:35 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: Administrator's Tweet on the Museum of the Bible

Justina and Jeanne,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Jennie for OGC/Ethics

From: Ford, Hayley
Sent: Tuesday, November 21, 2017 2:06 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: Bible Museum

He very briefly stopped in on his way to a speaking engagement.

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Keith, Jennie
Sent: Tuesday, November 21, 2017 2:02 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>
Subject: Bible Museum

Hi there,

Would you let me know the circumstances around the Administrator's visit to the dedication of the Museum of the Bible last Friday? I don't recall reviewing anything from the scheduling office regarding this visit. Did I or Justina review and advise on this? And I'm forgetting we did?

Thanks and Happy Thanksgiving!
Jennie for OGC/Ethics

Jennie Keith | Ethics Officer | Office of General Counsel | US EPA | Mail Code 2311A | Room 4313 North,
William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip
code) | phone 202-564-3412 | fax 202-564-1772

To: Keith, Jennie[Keith.Jennie@epa.gov]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Ford, Hayley
Sent: Thur 10/19/2017 3:48:46 PM
Subject: RE: Ethics Approval: SIGMA Conference 11/8/17 Chicago, IL
[SIGMA Board of Directors.pdf](#)
[NATSO Board of Directors.pdf](#)

Jennie,

I should have clarified. We are planning on him attending a) 2PM Reception with Board Members from SIGMA and NATSO (he will not be eating, just coffee/water) and b) 3-4:30PM speaking engagement. He will NOT be attending the 6-7:30PM reception.

At the 2PM reception, it will be a smaller event for him to meet personally the board members of those 2 groups. Groups are attached. No gifts of course.

What additional info do you need on the 2PM reception?

Hayley Ford
Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Keith, Jennie
Sent: Thursday, October 19, 2017 9:39 AM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Ethics Approval: SIGMA Conference 11/8/17 Chicago, IL

Haley,

This speaking engagement is okay; however, he has also been invited to receptions prior to and after the speaking engagement. Those receptions need additional ethics clearance, so if you would like to build those into his schedule, then I'll need to get more information about these receptions. At this point, they do not fit under the rules for speaking engagements, so I would need to analyze them separately to see whether other gift exceptions are available.

The invitee is not a federally registered lobbyist.

Thanks!
Jennie for OGC/Ethics

From: Ford, Hayley
Sent: Wednesday, October 18, 2017 4:43 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Ethics Approval: SIGMA Conference 11/8/17 Chicago, IL

Please review/approve for an upcoming speaking engagement.

Thank you!

Hayley Ford
Deputy White House Liaison

Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

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Message

From: Greaves, Holly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABCB6428B3DF40A9A78B059A8BA59707-GREAVES, HO]
Sent: 11/7/2017 8:40:41 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: RE: ethics check

Justina, thank you for clarifying!

Best,
Holly

From: Fugh, Justina
Sent: Tuesday, November 7, 2017 2:57 PM
To: Greaves, Holly <greaves.holly@epa.gov>
Subject: RE: ethics check

Hi Holly,
Not exactly. You need to report gifts to yourself AND your spouse AND dependent children that are received from one source that is not a relative. You need to report both tickets (value \$600) on your report and, since

Ex. 6 - Personal Privacy

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Greaves, Holly
Sent: Tuesday, November 07, 2017 2:49 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: ethics check

Thanks Justina! To clarify – I am accepting one ticket and my husband the other (each ticket is \$300), so the benefit to me is only \$300. Is that still reportable? I am happy to report it either way, I just wanted to confirm.

From: Fugh, Justina
Sent: Tuesday, November 7, 2017 2:47 PM
To: Greaves, Holly <greaves.holly@epa.gov>
Subject: RE: ethics check

Hi Holly,
Yes, you and your spouse may accept the free tickets to attend this event. The gift is offered to you both because of a personal relationship, not because of your official position, so fits the gift exception at 5 CFR 2635.204(b). Should you attend, you will be going in your personal capacity so will need to pay for any commuting or parking costs out of your own pocket. Also, please note that if you both attend, then you will

have to report the gift on your next financial disclosure report under "gifts" (which is not a section that you had to deal with when you filed your new entrant report). It's not an ethics problem to accept, but you do have to remember to report certain gifts. In this case, two tickets combined for \$600 is over the reporting threshold (currently \$390 from one source in a calendar year).

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Greaves, Holly
Sent: Tuesday, November 07, 2017 2:01 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: ethics check

Hi Justina,

My husband and I were invited to attend the Victims of Communism Memorial Foundation's Centennial Commemoration dinner on Thursday, November 9th by **Ex. 6 - Personal Privacy** whom my husband has a pre-existing relationship. **Ex. 6 - Personal Privacy**

Before accepting the invitation, I wanted to check with you. More details about the dinner can be found at the following link: <https://centennial.victimsofcommunism.org/index/schedule>

It appears tickets to the dinner are \$300.

Please let me know. Thanks!

Holly Greaves

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/20/2017 6:18:23 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: RE: EPA Deregulation Day List.xlsx and Event Memo

No problems.

-----Original Message-----

From: Fugh, Justina
Sent: Wednesday, September 20, 2017 2:18 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: EPA Deregulation Day List.xlsx and Event Memo

Hi,
I was in meetings and, unlike young people, do not look at my iphone constantly. So I missed your ASAP deadline. Sorry! But I am writing now to confirm that I had looked at the list when I received your request and verified that there were no individuals or companies that present any conflicts or recusal issues for Mr. Pruitt.
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Jackson, Ryan
Sent: Wednesday, September 20, 2017 9:50 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: EPA Deregulation Day List.xlsx and Event Memo

I'm entirely unsure why this is necessary, but can you look at the excel spreadsheet to reply to me in writing that Pruitt has not conflicts or recusals with the attached list and able to meet with them. I need this ASAP. I know the answer and so do you as well, but I just need to get a reply from you in writing to forward to the WH.

Thank you.

-----Original Message-----

From: Gunn, Ashley L. EOP/WHO [Ex. 6 - Personal Privacy]
Sent: Wednesday, September 20, 2017 9:39 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: EPA Deregulation Day List.xlsx and Event Memo

-----Original Message-----

From: Gunn, Ashley L. EOP/WHO
Sent: Monday, September 18, 2017 1:19 PM
To: 'Jackson, Ryan' <jackson.ryan@epa.gov>
Subject: EPA Deregulation Day List.xlsx and Event Memo

Ryan,
Per Bill's save the date email last Friday, please let us know that the Administrator can attend the 11:30am East Room Deregulation Event at the White House on October 2nd.
Attached is the Deregulation Day event memo and the EPA invite list that has been vetted by the White House for the East Room event. Please have your ethics officer approve this list in writing, as well as begin to create your EPA afternoon event invite list.
Please note that the Social Secretary's office needs the attached White House list by noon tomorrow, so please return asap.
We will discuss this and answer any questions at our COS meeting tomorrow.
Thank you,
Ashley

Message

From: Inge, Carolyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7F763E42702A4F468CDF42323EE94520-CINGE]
Sent: 10/10/2017 12:00:58 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
Subject: RE: Ethics form for Brittany Bolen Indiana IN.

WE CAN TALK in person we you get in.

*Carolyn Inge
US Environmental Protection Agency
Office of Policy
1301 Constitution Avenue NW
Washington, DC 20004
(202) 566-2845-Work*

From: Fugh, Justina
Sent: Monday, October 09, 2017 6:05 PM
To: Inge, Carolyn <Inge.Carolyn@epa.gov>
Cc: Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: Ethics form for Brittany Bolen Indiana IN.

Is this the form you mean? You need to MUCH MORE SPECIFIC about the changes. What are the amounts to be entered, exactly? And why didn't the sponsor make the travel arrangements? Will they be reimbursing EPA or Brittany directly? Since I created this form for you, I will have to make the changes, but I don't know what you want.

Are any of these sources otherwise affected by EPA matters in which you participate?
If "Yes," attach explanation (below). << OLE Object: Picture (Device Independent
Bitmap) >>

No

Itemization of benefits
<< OLE Object: Picture
(Device Independent
Bitmap) >>

Amount & METHOD of payment << OLE Object: Picture (Device Independent Bitmap)
>>

	IN KIND	IN CASH
Common carrier transportation	ticket, meals etc., est. the \$ \$447.40	must be a check etc. made out to EPA \$0.00
Meals	\$54.00	\$0.00
Lodging	\$0.00	\$0.00
Local transportation	\$0.00	\$0.00
Waiver of fees << OLE Object: Picture (Device Independent Bitmap) >>	\$0.00	\$0.00
Other (specify)	<u>\$0.00</u>	<u>\$0.00</u>
	Sub Total \$501.40	Sub Total \$0.00

TOTAL << OLE Object: Picture
(Device Independent Bitmap) >> <<
OLE Object: Picture (Device
Independent Bitmap) >> << OLE
Object: Picture (Device Independent
Bitmap) >> << OLE Object: Picture
(Device Independent Bitmap) >> <<
OLE Object: Picture (Device
Independent Bitmap) >> **\$501.40**

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

Does this amount exceed the amount payable under Federal Travel Regulations?

No

From: Inge, Carolyn
Sent: Friday, October 06, 2017 10:01 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Ethics form for Brittany Bolen Indiana IN.

This form need to be edit, the money need to go over to cash in the amount of \$660.09. Thanks

Carolyn Inge
US Environmental Protection Agency
Office of Policy
1301 Constitution Avenue NW
Washington, DC 20004
(202) 566-2845-Work

From: Fugh, Justina
Sent: Thursday, September 21, 2017 1:42 PM
To: Inge, Carolyn <Inge.Carolyn@epa.gov>
Subject: here you go!

<< File: bolen trip.pdf >>

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Ford, Hayley
Sent: Wed 10/18/2017 8:28:00 PM
Subject: RE: Evening with President Trump in Dallas – October 25th

Justina,

Per your message below, I wanted to follow up with a few items.

Ex. 5 - Deliberative Process

I've spoken to the hosts and they are aware of the below.

I'll make sure they also have a copy of the ground rules. He will not be making any sort of speech or remarks, just attending. We will also make sure he has a copy of the rules, which I have already gone over with him when I presented this event. The EPA will not be paying for his travel costs and once we settle on travel logistics, I will make sure I work with Gail and you on any necessary reimbursement.

Please advise if you need anything further from me before giving your approval.

Thank you!

Hayley Ford
Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Fugh, Justina
Sent: Tuesday, October 17, 2017 7:06 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: FW: Evening with President Trump in Dallas – October 25th

Hi Ryan,

As this event is clearly a political event, we have to consider the implications of the Hatch Act. Mr. Pruitt may attend, but since it's a fundraising event, he can do so only in his personal capacity. He cannot use or make reference to – and the sponsoring organization cannot use or make reference to – his EPA position or title. He cannot give an official EPA speech and cannot ask for political contributions. In addition, we cannot use EPA money to pay for his travel expenses. Instead, the sponsor will have to cover all of his travel costs (or he has to pay out of his own pocket). I work with Gail Davis to ascertain the costs and then issue a bill to the political group for repayment. EPA can pay for the travel for the security detail, however.

Does he want to go?

Just for your information, I've attached the "ground rules" we use when an Administrator has been invited to speak at political events in the past. If, as you suspect, these sorts of invitations will occur with more frequency, then perhaps you can take a look at the guidance on "how to review political invitations" that outlines how we've reviewed such invitations in the past. If this works for you, Kevin C and Millan, then we can continue this process.

Best,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ford, Hayley
Sent: Monday, October 16, 2017 6:29 PM
To: Ryan Jackson (jackson.ryan@epa.gov) <jackson.ryan@epa.gov>
Subject: FW: Evening with President Trump in Dallas – October 25th

FYI – **Ex. 5 - Deliberative Process**

Hayley Ford

Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Ronna McDaniel - RNC Chairman [<mailto:Ronna.McDaniel@gop.com>]
Sent: Monday, October 16, 2017 2:09 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Adrienne Gamez - Finance <AGamez@gop.com>
Subject: Evening with President Trump in Dallas – October 25th

Hayley,

I hope that Administrator Pruitt will be able to join President Trump and me in Dallas on October 25th for a Trump Victory dinner reception. I would love to have him attend as my guest. The invitation is attached. The exact time and location of the event will be released closer to the event date; however, for planning purposes, the event will take place in the late afternoon/early evening in downtown Dallas.

If you have any questions or would like to RSVP, please contact Adrienne Gamez (copied) at AGamez@gop.com or

Ex. 6 - Personal Privacy

Best,
Ronna

Ronna McDaniel, RNC Chairman

Message

From: Hupp, Millan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=92CAC7B684B64F90953B753A01BEE0D5-HUPP, MILLA]
Sent: 8/11/2017 10:45:35 PM
To: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]
CC: Morris, Madeline [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f42c86b4a2044779972ac94e098f0304-Morris, Mad]
Subject: Re: Ethics Approval for Nashville Speaking Event 10/23

Me too. Thank you!

Sent from my iPhone

On Aug 11, 2017, at 6:32 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Yep. Love that southern charm!

From: Hupp, Millan
Sent: Friday, August 11, 2017 5:38 PM
To: Morris, Madeline <morris.madeline@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Ethics Approval for Nashville Speaking Event 10/23

Thank you Justina and Maddy.

I don't believe we need to be concerned at this time with Mrs. Pruitt attending. It is my understanding that the hosts were simply being kind and hospitable by extending the invitation. I will take this as confirmation that the Administrator may speak at this event.

Sent from my iPhone

On Aug 11, 2017, at 3:29 PM, Morris, Madeline <morris.madeline@epa.gov> wrote:

Hi Millan,

Just wanted to close the loop on this request. It looks like we are good to go, Justina please correct me if I read that wrong. But please be advised about Mrs. Pruitt airfare.

Best,
Maddy

From: Fugh, Justina
Sent: Thursday, July 6, 2017 9:09 PM
To: Morris, Madeline <morris.madeline@epa.gov>
Subject: RE: Ethics Approval for Nashville Speaking Event 10/23

Gosh Maddy,

I'm having a little trouble identifying the agency interest in this particular event, which is not open to the public. Adding to my confusion is the fact that the requestor appears to be a friend of the Administrator's and the invitation includes an offer of a gift for Mrs. Pruitt. We have to treat the gift to Mrs. Pruitt as a gift to the Administrator. I'm not qualified to make the call as to whether there is an Agency interest in reaching this particular audience, but I can make the call about the gift of travel! If someone (not me, not me!) determines that there is an Agency interest in speaking to this audience on this day, then I can consider using 31 USC 1353 to accept the travel expenses for Mr. Pruitt. Mrs. Pruitt can stay with him, of course, but I'd need to look more closely at whether we can use this authority to accept her airfare.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Morris, Madeline
Sent: Wednesday, July 05, 2017 4:28 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Ethics Approval for Nashville Speaking Event 10/23

Hi Justina,

I hope you had a wonderful 4th! Please let me know if ethics approves this speaking request!

Best,
Maddy

From: Charlie Polston | **Ex. 6 - Personal Privacy**
Sent: Friday, April 7, 2017 7:10 PM
Subject: Scott Speaking at BG Convention Oct. 23rd....

Michelle and Sydney,

I asked Scott if he would be willing to be the keynote speaker for the BG Products, Inc. International Sales Convention, Oct. 23, 2017 in Nashville. He said he would do it if his schedule was open, so that is the purpose of my email. I have worked for BG for 35 years and so much of our business, the automotive industry, is tied to EPA regulations that having Scott here would be a good fit.

Angela and I will be there so we'd like Marlyn to accompany him. They could arrive on Sunday, Oct. 22nd, spend the night in Nashville and Scott would speak at about 10am on

Oct. 23rd. I envision a 30 minute speech followed by about 45 minutes discussion in the form of Q & A. We usually have about 250 people from North America and about 50 others from around the world.

I would appreciate it if you could fit this into his schedule. Let me know what other details you need from me at this time. We will be staying at a golf resort in Nashville. We will cover all the expenses for Marlyn. (We'll cover the expenses for Scott, too...but I don't know if that is allowed or not.)

This far out, we are a little flexible. The morning of Oct. 23rd is best, but if it works out better for Scott's schedule he could speak on Oct. 24 or 25.

Thank you for your help,

Charlie

Ex. 6 - Personal Privacy

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Traylor, Patrick
Sent: Wed 8/30/2017 4:37:29 PM
Subject: Re: SUEZ North America

Thanks, Justina.

Patrick Traylor
Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-5238 (office)
(202) 809-8796 (cell)

On Aug 30, 2017, at 12:17 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Patrick,
SUEZ North America is no longer a federally registered lobbyist (they terminated in 2016), so we don't have to worry about lobbying gift ban. I'm a little unclear about their merger with GE Water (as GE is a lobbyist). Still, because the invitation is offered because of your official duty, if you want to participate, you may do so and you may even eat the lunch (irrespective of whether the donor is a lobbyist or not). The reason you can eat the lunch is that you are speaking or otherwise presenting information on behalf of the Agency, so you may accept a meal offered to all on the day that you are speaking. That's an exclusion to the definition of gift that is also okay under the pledge.

Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Traylor, Patrick
Sent: Wednesday, August 30, 2017 10:45 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: SUEZ North America

Justina:

Ex. 5 - Deliberative Process

Patrick

Patrick Traylor
Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

(202) 564-5238 (office)
(202) 809-8796 (cell)

From: Smith, Brooks M. [mailto:Brooks.Smith@troutmansanders.com]
Sent: Sunday, August 27, 2017 4:47 PM
To: Traylor, Patrick <traylor.patrick@epa.gov>
Subject: SUEZ North America

Hi Patrick, I apologize for the multiple requests but my client SUEZ North America is having an executive team retreat on October 24 and asked me for suggestions on an EPA speaker to address the enforcement priorities and initiatives of the new Administration. I immediately thought of you. SUEZ owns and/or operates hundreds of municipal water and wastewater treatment facilities across the country. They also do recycling and waste recovery in the U.S. and Canada, and they have an advanced treatment solutions business that recently merged with, and essentially subsumed, GE Water.

Suez asked if you would be willing and available to join them in Paramus, NJ on October 24 at 11:00 and stay through lunch. If so, I will happily connect you with their Environmental VP to discuss details and logistics.

Thanks so much for considering this request. Best, Brooks

Brooks M. Smith
Direct: 804.697.1414
brooks.smith@troutmansanders.com

TROUTMAN SANDERS
1001 Haxall Point, Suite 1500
Richmond, VA 23219
troutmansanders.com

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Message

From: Davis, Gail [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3778A7CC1FA4F078F7C4B447C63E7C8-GDAVIS04]
Sent: 8/22/2018 10:48:41 AM
To: Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]
CC: Fugh, Justina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54afbe2e36d3481c8c52d27ba3979d47-JFUGH]; Kunding, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3c9a5d16e2244079e222f342bf9992f-Kunding,]
Subject: Re: Canada Hotels....

Hi Jenny, I did process him in the FIAT system.
He was added. Thanks
Sent from my iPhone

On Aug 21, 2018, at 10:52 PM, Keith, Jennie <Keith.Jennie@epa.gov> wrote:

Please note that OGC/Ethics will approve the ethics travel form to allow the Agency to accept these travel gifts being provided for Andrew Wheeler.

The actual form will be processed at a later time . . . I have some hurdles to clear because the Acting Administrator is not found in the Lotus Notes Domino Directory. Gail, how are you processing his FIAT/ITP entry?

Thanks!
Jennie for OGC/Ethics

From: Davis, Gail
Sent: Monday, August 20, 2018 12:17 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>
Subject: FW: Canada Hotels....

Hello ladies, I just found out that the EMM G7 will be paying for the Acting Administrator's room for the ethics form. Thanks.

From: Finman, Hodayah
Sent: Monday, August 20, 2018 12:11 PM
To: Davis, Gail <Davis.Gail@epa.gov>; Dieu, Martin <Dieu.Martin@epa.gov>
Cc: Jenkins, Juanita <jenkins.juanita@epa.gov>; Stewart, Lakita <Stewart.Lakita@epa.gov>; Besch, Brianna <besch.brianna@epa.gov>
Subject: RE: Canada Hotels....

Hi Gail, the rate negotiated by the Canadian government for the meeting is The room rate for the Westin is expected to be CAD 249 + tax (roughly US\$ 191 + tax) so slightly over the US\$ 182 per diem rate but well under 150%. This is the best rate that can be obtained due the large size of the meetings taking place in Halifax that week and the limited hotel room availability.

Canada will be paying for the hotel room for the Administrator and for the Environment Ministers from the other countries attending the meeting so the appropriate ethics forms will need to be processed when you prepare the ITP.

From: Davis, Gail

Sent: Monday, August 20, 2018 11:38 AM

To: Finman, Hodayah <Finman.Hodayah@epa.gov>; Dieu, Martin <Dieu.Martin@epa.gov>

Cc: Jenkins, Juanita <jenkins.juanita@epa.gov>; Stewart, Lakita <Stewart.Lakita@epa.gov>

Subject: Canada Hotels....

Hello everyone, I've heard through the grapevine that the hotel rates were discussed. Would you be able to provide me with the rate of the Westin hotel so that I can get these ITPs out the door? Thanks

Gail Davis

Travel Coordinator

Immediate Office of the Administrator

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